



# **SENATE JOURNAL**

**STATE OF ILLINOIS**

**NINETY-THIRD GENERAL ASSEMBLY**

**116TH LEGISLATIVE DAY**

**WEDNESDAY, MAY 26, 2004**

**12:15 O'CLOCK P.M.**

**SENATE**  
**Daily Journal Index**  
**116th Legislative Day**

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The Senate met pursuant to adjournment.  
 Senator Debbie DeFrancesco Halvorson, Kankakee, Illinois, presiding.  
 Prayer by Pastor Andy Glass, Eminence Christian Church, Atlanta, Illinois.  
 Senator Link led the Senate in the Pledge of Allegiance.

The Journal of Tuesday, May 25, 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.

### **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 984  
 Motion to Concur in House Amendment 1 to Senate Bill 2251  
 Motion to Concur in House Amendment 1 to Senate Bill 2257  
 Motion to Concur in House Amendment 1 to Senate Bill 2270  
 Motion to Concur in House Amendment 1 to Senate Bill 2878  
 Motion to Concur in House Amendment 2 to Senate Bill 2878  
 Motion to Concur in House Amendments 1 and 2 to Senate Bill 3013

### **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 976  
 Senate Amendment No. 2 to House Bill 1191  
 Senate Amendment No. 2 to House Bill 1336  
 Senate Amendment No. 3 to House Bill 3715  
 Senate Amendment No. 4 to House Bill 3835  
 Senate Amendment No. 2 to House Bill 4200  
 Senate Amendment No. 1 to House Bill 7181

### **PRESENTATION OF RESOLUTIONS**

#### **SENATE RESOLUTION 574**

Offered by Senator Risinger and all Senators:  
 Mourns the death of Robert L. Bass of Galesburg.

#### **SENATE RESOLUTION 575**

Offered by Senator Risinger and all Senators:  
 Mourns the death of Herbert C. Pierson of Annawan.

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

Senators Trotter, Hunter and Lightford offered the following Senate Resolution, which was referred to the Committee on Rules:

#### **SENATE RESOLUTION NO. 576**

WHEREAS, More than 20 million Americans, about one in nine adults, have a form of chronic kidney disease; of these, more than eight million have seriously reduced kidney functions that, if left untreated, may progress to a more severe level of chronic kidney disease; and

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WHEREAS, Chronic kidney disease and the resultant progression of that disease to stage 5 chronic kidney disease, known as End Stage Renal Disease (ESRD), affect over 300,000 Americans, of whom over 12,800 are Illinoisans; and

WHEREAS, People over the age of 50 and those who have a family history of kidney disease or have been diagnosed with diabetes or hypertension are more likely to develop chronic kidney disease; and

WHEREAS, Certain populations are disproportionately impacted; African Americans make up 15.5% of the general population of Illinois but account for 42.1% of Illinoisans with stage 5 chronic kidney disease or End Stage Renal Disease; and

WHEREAS, Stage 5 chronic kidney disease or End Stage Renal Disease is three times more likely to occur in Hispanics and Native Americans and two times more likely in Asian Americans than in Caucasians; and

WHEREAS, 95% of all stage 5 chronic kidney disease patients are either Medicare beneficiaries through a unique federal program or Medicaid beneficiaries representing a significant cost to the State, and, according to the United States Renal Data Service, these yearly expenditures amount to about \$60,000 per Illinoisan and are growing each year; and

WHEREAS, The combined financial impact of this devastating disease on Illinois' health care system is over \$768 million annually; and

WHEREAS, The two contributing factors accounting for more than 60% of new cases of chronic kidney disease are diabetes and hypertension; and

WHEREAS, Chronic kidney disease may lead to cardiovascular complications, bone disease, and irreversible kidney failure; and

WHEREAS, A person may exhibit no symptoms of chronic kidney disease until 75% or more of kidney function is lost and this devastating disease can be prevented through early screening and proper education; and

WHEREAS, Simple, cost-effective means are available to identify and diagnose chronic kidney disease and associated life-threatening complications; and

WHEREAS, Cost-effective means can determine levels of kidney function and provide information for clinicians about therapeutic interventions that may preserve kidney function, sustain life, and delay progression to stage 5 chronic kidney disease or renal transplantation, or both; and

WHEREAS, Evidence-based clinical guidelines have been developed by scientists and renal experts and published in peer-reviewed journals; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we request the Illinois Department of Public Aid to institute a program by which individuals who have been diagnosed with diabetes or hypertension or who have a family history of kidney disease and receive a diagnosis of kidney disease shall be classified as chronic kidney disease patients; and be it further

RESOLVED, That these patients shall be evaluated for kidney disease through routine clinical laboratory assessments of kidney function and that the diagnostic criteria that define chronic kidney disease shall be any generally-recognized clinical practice guidelines that identify chronic kidney disease based on the presence of kidney damage and the level of kidney function; and be it further

RESOLVED, That chronic kidney patients shall receive coverage for diagnostic testing and healthcare services that have been certified by the patient's physician as having clinical benefit for: (1) managing risk factors that prolong kidney function or delay progression to kidney replacement therapy; (2) managing risk factors for bone disease and cardiovascular disease associated with chronic kidney disease; (3) improving nutritional status of chronic kidney disease patients; and (4) correcting anemia

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associated with chronic kidney disease; and be it further

RESOLVED, That a copy of this resolution be delivered to the Director of the Illinois Department of Public Aid.

### 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:

SENATE BILL NO. 2222

A bill for AN ACT in relation to economic development.

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. 2222

House Amendment No. 2 to SENATE BILL NO. 2222

Passed the House, as amended, May 25, 2004.

MARK MAHONEY, Clerk of the House

### AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 2222 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Mid-America Medical District Act.

Section 5. Creation of District. There is created in the City of East Saint Louis the Mid-America Medical District, hereinafter called the District, whose boundaries are Martin Luther King Drive on the Northeast, 10th Street up to Trendley Avenue on the Southeast, Trendley Avenue and the confluence of I-64, I-70, and I-55 on the Southwest and West, and a line north of Collinsville, parallel to Collinsville, so as to include both sides of Collinsville on the Northwest, excluding any part of the City Hall complex and any property belonging to the federal government. The District is created to attract and retain academic centers of excellence, viable health care facilities, medical research facilities, emerging high technology enterprises, and other facilities and uses as permitted by this Act.

Section 10. Mid-America Medical District Commission.

(a) There is hereby created a body politic and corporate under the corporate name of Mid-America Medical District Commission, hereinafter called the Commission, whose general purpose in addition to and not in limitation of those purposes and powers set forth in other Sections of this Act is to:

(1) maintain the proper surroundings for a medical center and a related technology center in order to attract, stabilize, and retain therein hospitals, clinics, research facilities, educational facilities, or other facilities permitted under this Act;

(2) provide for the orderly expansion of (i) various county and local governmental facilities as permitted under this Act, (ii) other ancillary or related facilities that the Commission may from time to time determine are established and operated for any aspect of the carrying out of the Commission's purposes as set forth in this Act, or are established and operated for the study, diagnosis, treatment, and prevention of human ailments and injuries, whether physical or mental, or to promote medical, surgical, and scientific research and knowledge as permitted under this Act, (iii) medical research and high technology parks, together with the necessary land, buildings, facilities, equipment, and personal property therefore, and (iv) facilities devoted to the research and advancement of health care related issues and policies.

(b) The Commission shall have perpetual succession, power to contract and be contracted with, to sue and be sued except in actions sounding in tort, to plead and be impleaded, to have and use a common seal, and to alter that seal at its pleasure. All actions sounding in tort against the Commission shall be prosecuted in the Court of Claims.

The principal office of the Commission shall be in the City of East Saint Louis, and the Commission may establish other offices within the State of Illinois at any places that the Commission deems advisable. The Commission shall consist of 9 members, 4 of whom shall be appointed by the

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Governor, 2 by the Mayor of East Saint Louis, and 3 by the Chairman of the County Board of St. Clair County. All members shall hold office for a term of 3 years and until their successors are appointed as provided in this Act; provided, that as soon as possible after the effective date of this Act, the Governor shall appoint 4 members for terms expiring, respectively, on December 31, 2005, 2006, 2007, and 2008, the St. Clair County Board Chairman shall appoint 3 members for terms expiring, respectively, on December 31, 2005, 2006, and 2007, and the Mayor of East Saint Louis, with the advice and consent of the City Council, shall appoint 2 members for terms expiring, respectively, on December 31, 2005, and 2006. Any vacancy in the membership of the Commission occurring by reason of the death, resignation, disqualification, removal or inability or refusal to act of any of the members of the Commission shall be filled by the person who had appointed the particular member, and for the unexpired term of office of that particular member. A vacancy caused by the expiration of the period for which the member was appointed shall be filled by a new appointment for a term of 3 years from the date of expiration of the prior 3 year term notwithstanding when that appointment is actually made.

The Commission shall obtain, pursuant to the provisions of the Personnel Code, any personnel that the Commission deems advisable to carry out the purposes of this Act and the work of the Commission. The Commission may appoint a General Attorney and define the duties of that General Attorney.

The Commission shall hold regular meetings annually for the election of a president, vice-presidents, a secretary, and a treasurer, and for the adoption of a budget. Special meetings may be called by the President or by any 2 members. Each member shall take an oath of office for the faithful performance of his or her duties. Five members of the Commission shall constitute a quorum for the transaction of business. The Commission shall submit, to the General Assembly, the Saint Clair County Board, and the East Saint Louis City Council, not later than March 1 of each odd-numbered year, a detailed report covering its operations for the 2 preceding calendar years and a statement of its program for the next 2 years. 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, the Minority Leader and the Secretary of the Senate, and the Legislative Research Unit, as required by Section 3.1 of the General Assembly Organization Act, and by filing any additional copies with the State Government Report Distribution Center for the General Assembly that is required under paragraph (t) of Section 7 of the State Library Act.

The requirement for reporting to Saint Clair County shall be satisfied by filing copies of the report with the Chairman of the Saint Clair County Board. The requirement of reporting to the East Saint Louis City Council shall be satisfied by filing copies of the report with the City Clerk.

Section 15. Grants, loans, and contracts. The Commission may apply for and accept grants, loans, or appropriations from the State of Illinois, the federal government, any State or federal agency or instrumentality, or any other person or entity to be used for any of the purposes of the District and may enter into any agreement with the State of Illinois, the federal government, any State or federal instrumentality, or any person or entity in relation to the grants, matching grants, loans, or appropriations. The Commission also may, by contractual agreement, accept and collect assessments or fees for District enhancements and improvements, common area shared services, shared facilities, or other activities or expenditures in furtherance of the purposes of this Act.

Section 20. Property; acquisition. The Commission is authorized to acquire the fee simple title to real property lying within the District and personal property required for its purposes, by gift, purchase, or otherwise, and title thereto shall be taken in the corporate name of the Commission. The Commission may acquire by lease any real and personal property found by the Commission to be necessary for its purposes and to which the Commission finds that it need not acquire the fee simple title for carrying out of its purposes.

Section 25. Authority to construct or acquire. The Commission may, in its corporate capacity, construct or cause or permit to be constructed in the District, hospitals, sanitariums, clinics, laboratories, or any other institution, building or structure or other ancillary or related facilities that the Commission may, from time to time, determine are established and operated for the carrying out of any aspect of the Commission's purpose as set forth in this Act or are established and operated for the study, diagnosis, and treatment of human ailments and injuries, whether physical or mental, or to promote medical, surgical, and scientific research and knowledge, or for any uses the Commission shall determine will

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support and nurture facilities, and uses permitted by this Act, or for such nursing, extended care, or other facilities as the Commission shall find useful in the study of, research in, or treatment of illnesses or infirmities peculiar to aged people, after a public hearing to be held by any Commissioner or other person authorized by the Commission to conduct the same, at which Commissioner or other person shall have the power to administer oaths and affirmations and take the testimony of witnesses and receive any documentary evidence as shall be pertinent, the record of which hearing he or she shall certify to the Commission, which record shall become part of the records of the Commission, notice of the time, place, and purpose of the hearings to be given by a single publication notice in a secular newspaper of general circulation in St. Clair County at least 10 days prior to the date of such hearing, or for such institutions as shall engage in the training, education, or rehabilitation of persons who by reason of illness or physical infirmity are wholly or partially deprived of their powers of vision or hearing or of the use of such other part or parts of their bodies as prevent them from pursuing normal activities of life, or office buildings for physicians or dealers in medical accessories, or dormitories, homes or residences for the medical profession, including interns, nurses, students or other officers or employees of the institutions within the District, or for the use of relatives of patients in the hospitals or other institutions within the District, or for the rehabilitation or establishment of residential structures within a currently effective historic district properly designated under a federal statute or a State or local statute that has been certified by the Secretary of the Interior to the Secretary of the Treasury as containing criteria which will substantially achieve the purpose of preserving and rehabilitating buildings of historic significance to the District, or such other areas of the District as the Commission shall designate, for research, development and resultant production, in any of the fields of medicine, chemistry, pharmaceuticals, physics, and genetically engineered products, for biotechnology, information technology, medical technology, or environmental technology, or for the research and development of engineering or for computer technology related to any of the purposes for which the Commission may construct structures and improvements within the District. All such structures and improvements shall be erected and constructed in accordance with the Illinois Purchasing Act, to the same extent as if the Commission were a Code Department. The Commission shall administer and exercise ultimate authority with respect to the development and operation of a technology park, and any extensions or expansion thereof. In addition, the Commission may create a development area within the area of the District. Within any district development area the Commission may cause to be acquired or constructed commercial and other types of development, public and private, if the Commission determines that the commercial developments are ancillary to and necessary for the support of facilities within the District and any other purposes of the District, after a public hearing held by a commissioner or the person authorized by the Commission to conduct the hearing. The Commissioner or other authorized persons shall have the power to administer oaths and affirmations, take the testimony of witnesses, receive pertinent evidence, and certify the record of the hearing to the Commission. The record of the hearing shall become part of the Commission's records. Notice of the time, place, and purpose of the hearing shall be given by a single publication notice in a secular newspaper of general circulation in St. Clair County at least 10 days before the date of the hearing. Additionally, the Commission may sell, lease, develop, operate, and manage for any person, firm, partnership, or corporation, either public or private, all or any part of the land, buildings, facilities, equipment, or other property included in the District development area and any medical research and high technology park or the designated commercial development area upon the terms and conditions the Commission may deem advisable, and may enter into any contract or agreement with any person, firm, partnership, or corporation, either public or private, or any combination of the foregoing, as may be necessary or suitable for the creation, marketing, development, construction, reconstruction, rehabilitation, financing, operation and maintenance, and management of the District development area and any technology park or designated commercial development area; and may sell or lease to any person, firm, partnership, or corporation, either public or private, any part or all of the land, building, facilities, equipment, or other property of the park or the designated commercial development area upon the rentals, terms, and conditions as the Commission may deem advisable; and may finance all or part of the cost of the Commission's development and operation of the District development area as well as any park or the designated commercial development area, including the creation, marketing, development, purchase, lease, construction, reconstruction, rehabilitation, improvement, remodeling, addition to, extension, and maintenance of all or part of the high technology park or the designated commercial development area, and all equipment and furnishings, by legislative appropriations, government grants, contracts, private gifts, loans, bonds, receipts from the sale or lease of land for the operation of the District and any high technology park or the designated commercial development area, rentals, and similar receipts or other sources of revenue legally available for these purposes. The Commission also may defray the expenses of the operation of the District development area and technology park,

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improvements to the District development area and technology park, provision of shared services, common facilities and common area expenses, benefiting owners and occupants of property within the District development area and the technology park by general assessment, special assessment, or the imposition of service or user fees. As to the entities eligible to be members of the advisory District Member Council, such assessments or impositions may be undertaken only with District Member Council consent as provided in Section 75.

Section 30. Relocation assistance; mandatory acquisition of gift or voluntary purchase. The Commission may provide relocation assistance to persons and entities displaced by the Commission's acquisition of property and improvement of the District. The Commission is also authorized to acquire private real property by gift or voluntary purchase without the District if the Commission finds that the acquisition by gift or voluntary purchase is reasonably necessary to further and carry out the purposes of this Act.

Section 35. Borrowing money. To obtain the funds necessary for financing the acquisition of land, the acquisition of construction of any building, and for the operation of the District set forth in this Act, the Commission may borrow money from any public or private agency, department, corporation, or person. The Commission shall have no authority to issue bonds. The debts of the Commission shall not be the debts of the State of Illinois.

Section 40. Powers of the Department of Central Management Services concerning the District. The Department of Central Management Services shall exercise the same powers in regard to the Commission as it exercises for Code Departments under Section 405-15 of the Department of Central Management Services Law (20 ILCS 405/).

Section 45. Transfer of real property. The Commission may sell, convey, transfer, or lease any title or interest in real estate owned by it to any person or persons to be used, subject to the restrictions of this Act, for the purposes stated in Section 25, or for the purpose of serving persons using the facilities offered within the District or for carrying out of any aspect of the Commission's purpose as set forth in Section 10 of this Act, subject to any restrictions as to the use thereof that the Commission determines will carry out the purpose of this Act. To assure that the use of the real property so sold or leased is in accordance with the provisions of this Act, the Commission shall inquire into and satisfy itself concerning the financial ability of the purchaser to complete the project for which the real estate is sold or leased in accordance with a plan to be presented by the purchaser or lessee, which must be submitted, in writing, to the Commission. The purchaser or lessee shall under the plan undertake: (i) to use the land for the purposes designated in the plan so presented; (ii) to commence and complete the construction of the buildings or other structures to be included in the project within such periods of time as the Commission fixes as reasonable; and (iii) to comply with such other conditions as the Commission shall determine are necessary to carry out the project. Any real property sold by the Commission pursuant to the provisions of this Act shall be sold at its use value, which may be more or less than its acquisition cost and which represents the value at which the Commission determines, after a hearing by the Commission or by such person as the Commission designates to hold the hearing, the real property should be made available for sale or rental in order that it may be developed for the accomplishment of the purposes of this Act. In determining the use value of the real property, the Commission shall take into consideration whether or not said property is to be used by a wholly or partially tax supported body created under the laws of the State of Illinois, by any department of the State government or any political subdivision of the State, by a charitable institution, or by a private person or institution operating for profit; and the Commission shall also consider the contribution that the project will make toward the development of the District and the furtherance of the purposes of this Act in determining the use price, provided, however, that the Commission may convey the fee simple title to land acquired by it, without the payment of any consideration, to the State of Illinois, any political subdivision thereof, or to any body politic and corporate or public corporation created under the laws of the State of Illinois for the carrying out of any function of the State. At any hearing for the purpose of the Commission's making these determinations, an investigation must be made and any witnesses and documentary evidence examined that will have bearing on the use value of the property to be sold or leased. The Commission shall designate a Commissioner or other person of legal age to conduct the hearing, and the Commissioner or other person so designated by the Commission shall give reasonable notice to the interested parties of the time, place, and purpose for the holding of the hearing. The Commissioner or other person designated by the Commission to hold the hearing shall have the power to administer oaths

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and affirmations and shall cause to be taken the testimony of witnesses and the production of papers, books, records, accounts and documents; and the person so designated to hold the hearing shall certify to the Commission the record of the proceedings held before him or her in connection with the hearing. The record of proceedings shall become a part of the records of the Commission. All conveyances and leases authorized in this Section shall be on condition that, in the event of use for other than the purposes prescribed in this Act, or of nonuse for a period of one year, title to the property shall revert to the Commission. All conveyances and leases made by the Commission to any corporation or person for use of serving the residents or any person using the facilities offered within the District shall be on condition that in the event of violation of any of the restrictions as to the use thereof as the Commission shall have determined will carry out the purposes of this Act, that title to such property shall revert to the Commission. However, if the Commission finds that financing necessary for the acquisition or lease of any real estate or for the construction of any building or improvement to be used for purposes prescribed in this Act cannot be obtained if title to the land or building or improvement is subject to this reverter provision, which finding shall be made by the Commission after public hearing held pursuant to a single publication notice given in a secular newspaper of general circulation in Saint Clair County at least 10 days prior to the date of the hearing, such notice to specify the time, place and purpose for such hearing, and upon such finding being made, the Commission may cause the real property to be conveyed free of the reverter provision, provided that at least 6 members of the Commission vote in favor thereof. The Commission may also provide in the conveyances, leases, or other documentation provisions for notice of such violations or default and the cure thereof for the benefit of any lender or mortgagee as the Commission shall determine are appropriate. If, at a regularly scheduled meeting, the Commission resolves that a parcel of real estate leased by it, or in which it has sold the fee simple title or any lesser estate, is not being used for the purposes prescribed in this Act or has been in nonuse for a period of one year, the Commission may file a lawsuit in the circuit court of the county in which the property is located to enforce the terms of the sale or lease. In the event a reverter of title to any property is ordered by the court pursuant to the terms of this Act, the interest of the Commission shall be subject to any then existing valid mortgage or trust deed in the nature of a mortgage, but in case the title is acquired through foreclosure of the mortgage or trust deed or by deed in lieu of foreclosure of the mortgage or trust deed, then the title to the property shall not revert, but shall be subject to the restrictions as to use, but not any penalty for nonuse, contained in this Act with respect to any mortgagee in possession or its successor or assigns.

No conveyance of real property shall be executed by the Commission without the prior written approval of the Governor. Commission property leased or occupied by others for purposes permitted under this Act or Commission property held for redevelopment shall not constitute "property" for the purposes of the State Property Control Act.

Section 50. Notice of hearing for property transfer. Prior to the holding of any public hearing prescribed in Section 45 of this Act, or any meeting regarding the passage of any resolution to file a lawsuit, the Commission shall give notice to the grantee or lessee, or his or her legal representatives, successors or assigns, of the time and place of the proceeding. The notice shall be accompanied by a statement signed by the Secretary of the Commission, or by any person authorized by the Commission to sign the same, setting forth any act or things done or omitted to be done in violation, or claimed to be in violation, of any restriction as to the use of the property, whether the restriction be prescribed in any of the terms of this Act or by any restriction as to the use of the property determined by the Commission pursuant to the terms of this Act. This notice of the time and place fixed for the proceeding shall also be given to any person or persons as the Commission shall deem necessary. The notice may be given by registered mail, addressed to the grantee, lessee, or to his or her legal representatives, successors or assigns, at the last known address of the grantee, lessee, or his or her legal representatives, successors, or assigns.

Section 55. Rules and regulations. The Commission may adopt reasonable and proper rules and regulations relative to the exercise of its powers, and proper rules to govern its proceedings, and to regulate the mode and manner of all hearings held by it or at its direction, and to alter and amend same.

Section 60. Copies of documents as evidence. Copies of all official documents, findings, and orders of the Commission, certified by a Commissioner or by the Secretary of the Commission to be true copies of the originals thereof, under the official seal of the commission, shall be evidence in like manner as the originals.

Section 65. Judicial review. Any party may obtain a judicial review of final orders or decision of the Commission in the circuit court of the county in which the property involved in such proceeding is situated, or if such property is situated in more than one county, then of any one of such counties, only under and in accordance with the provisions of the Administrative Review Law, and all existing and future amendments and modifications thereof, and the rules now or hereafter adopted pursuant thereto. The circuit court shall take judicial notice of all the rules of practice and procedure of the Commission.

Section 70. Public park. The Commission may set apart any part of the District as a park and may construct, control, and maintain the same or may provide by contract with the City of East Saint Louis, Saint Clair County, the State of Illinois, or the United States, for the construction, control and maintenance of any area within the District set apart as a park.

Section 75. Master plan; improvement and management of District; building regulations; zoning. The Commission shall prepare a comprehensive master plan for the orderly development of all property within the District. The Commission shall so improve and manage the District as to provide conditions most favorable for the special care and treatment of the sick and injured and for the study of disease and for any other purpose in Section 25 of this Act. The Commission shall, by ordinance, classify, regulate and restrict the location and construction of all buildings within the District, shall regulate the height and size of the buildings, determine the area of open space within and around the buildings, fix standards of construction, control and regulate additions to or alterations of existing buildings and prohibit the use of buildings and structures incompatible with the character of the District, to the end that adequate light, air, quietness, and safety from fire and from the communication of diseases and other dangers may be secured. Provided, that the power herein conferred shall not be so exercised as to deprive any owner of any existing property of its use or maintenance for the purpose to which it is now lawfully devoted nor to limit the expansion, design, location, maintenance, use, or occupancy of real property to be used by any governmental body, agency, or instrumentality in any manner set forth in this Section, provided that the property is devoted to any use or purpose permitted under this Act. Further provided, the power herein conferred shall not be exercised to restrict the use for any State or county purpose of any buildings existing within the District at the time of enactment and either owned, operated, or managed on behalf of the county or by the Department of Central Management Services or for which the Department of Central Management Services shall be otherwise responsible as provided by law.

The Commission shall request the City Council of the City of East Saint Louis to recommend appropriate zoning regulations for the District that co-ordinate with the zoning of the surrounding sections of the City of East Saint Louis. If, at the end of 60 days following this request, an ordinance has not been submitted to the Commission, the Commission may prepare a zoning ordinance either with or without the advice of the City Council. When the zoning ordinance is ready for adoption, the Commission shall cause notice of a public hearing to be posted in at least 4 conspicuous places within the District, at least 10 days before the date of the hearing. It shall also publish notice of the hearing in some newspaper of general circulation in Saint Clair County for 3 consecutive days. The hearing shall be held not earlier than 10 days after the date of the last publication. Both types of notice shall contain the time and place of the hearing and the place where copies of the proposed ordinance may be examined. The hearing shall be held at the time and place specified and shall be adjourned from time to time until all interested parties have had an opportunity to be heard. The Commission shall invite the City Council and City Manager to attend the hearing and shall ask for suggestions of the City Council and Manager as to the modification of the proposed ordinance. After the adoption of the zoning ordinance or any other proper ordinance of the Commission, it may institute any appropriate action to prevent or abate any unlawful act within the District. Any government body, agency, or instrumentality owning or occupying property within the District may consent to be bound in whole or in part by the provisions of the master plan or development ordinance adopted by the Commission. The Commission must establish an advisory council of 2 representatives of each of the major District members owning or occupying facilities within the District, with major members to be determined by regulations of the Commission. Council members shall be appointed by and serve at the pleasure of their respective governing boards. The council may assist the Commission in the fulfillment of its statutory purposes and responsibilities and the maintenance of the District. At the Commission's request, the council may review and make recommendations to the Commission with respect to the comprehensive master plan to be adopted by the Commission or any plan of development or occupancy of its facilities within the District presented to the Commission by any governmental body, agency, or instrumentality. The Commission may upon a unanimous request of the council provide for shared services and facilities within the District for members of the council. The Commission may provide, contract, and construct facilities and charge and

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collect fees necessary to supply these shared services and facilities so approved. The Commission may utilize any powers specified within this Act regardless of geographic boundary for or in support of a specific project, activity, or development if that request is made by a unanimous recommendation of all of the members of the member council.

Section 80. Jurisdiction and power of City of East St. Louis; tax exemption for Commission property; condemnation of Commission property. This Act shall not be construed to limit the jurisdiction of the City of East Saint Louis to territory outside the limits of the District nor to impair any power now possessed by or hereafter granted to the City of East Saint Louis or to cities generally except that those are expressly granted to the Commission by Section 75 of this Act.

The property of the Commission shall be exempt from taxation, and shall be subject to condemnation by the State and any municipal corporation or agency of the State for any State or municipal purpose under the provisions for the exercise of the right of eminent domain under Article VII of the Code of Civil Procedure, as amended.

Section 85. Disposition of moneys; income fund. All money received by the Commission from the sale or lease of any property, in excess of any amount expended by the Commission for authorized purposes under this Act or as may be necessary to satisfy the obligation of any revenue bond issued pursuant to Section 35, shall be paid into the State Treasury for deposit into the Mid-America Medical District Income Fund provided, however, that the Commission is authorized to use all money received as rentals for the purposes of planning, acquisition, and development of property within the District and operation, maintenance and improvement of property of the Commission and for all purposes and powers set forth in this Act. Upon enactment, not later than July 10 of each year, the Commission shall transmit to the State Treasurer for deposit into the Fund all moneys on hand at June 30 in excess of \$500,000 without deduction or offset of any kind, except that the Commission may retain such additional funds as are necessary to pay enforceable contractual obligations existing as of June 30 and that will be paid not later than September 30 of that year. All moneys retained for the payment of these obligations and not paid out by September 30, shall be remitted in full to the State Treasury, without deduction or offset of any kind, not later than October 10 of the same year. All money held pursuant to this Section shall be maintained in a depository approved by the State Treasurer. The Auditor General shall, at least biennially, audit or cause to be audited all records and accounts of the Commission pertaining to the operation of the District.

Section 90. Severability. If any provision of this Act is held invalid, that provision shall be deemed to be excised from this Act and the invalidity of that provision shall not affect any of the other provisions of this Act. If the application of any provision of this Act to any person or circumstance is held invalid, it shall not affect the application of such provision to persons or circumstances other than those as to which it is held invalid.

Section 905. The State Finance Act is amended by adding Section 5.625 as follows:

(30 ILCS 105/5.625 new)

Sec. 5.625. The Mid-America Medical District Income Fund."

#### **AMENDMENT NO. 2**

AMENDMENT NO. 2. Amend Senate Bill 2222, AS AMENDED, with reference to page and line numbers of House Amendment No. 1 as follows:

on page 2, by replacing line 33 with the following:

"members, 3 of whom shall be appointed by the Governor, one of whom shall be designated as Chair of the Commission at the time of appointment, 3 by the"; and

on page 3, line 4, by changing "4" to "3"; and

on page 3, line 6, by changing "2007, and 2008" to "and 2007 (with the Chair to serve until 2007)"; and

on page 3, line 10, by changing "2" to "3"; and

on page 3, line 11, by changing "and 2006" to "2006, and 2007".

[May 26, 2004]

Under the rules, the foregoing **Senate Bill No. 2222**, 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 adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

**HOUSE JOINT RESOLUTION NO. 48**

WHEREAS, The Department of Children and Family Services is charged with acting in the best interest of every child it serves, helping families by increasing their ability to provide a safe environment for their children, and strengthening families who are at risk of abuse or neglect; and

WHEREAS, A significant function of government is to promote the health, safety, and welfare of its citizens; and

WHEREAS, The General Assembly has taken notice of many issues surrounding the operations, funding, and execution of the foster care system that must be addressed to ensure continued action as well as establish a higher standard for serving the needs of both foster children and parents; therefore be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the Joint Task Force on Foster Care in the Department of Children and Family Services is created and shall be comprised of 8 members of the Illinois General Assembly appointed as follows: 2 members of the Senate appointed by the President of the Senate; 2 members of the Senate appointed by the Minority Leader of the Senate; 2 members of the House of Representatives appointed by the Speaker of the House of Representatives; and 2 members of the House of Representatives appointed by the Minority Leader of the House of Representatives; all Joint Task Force members shall serve without compensation; and be it further

RESOLVED, That the chairperson of the Joint Task Force shall be selected by the members from among its membership and the Joint Task Force shall meet at the call of the chairperson; and be it further

RESOLVED, That it is the duty of the Joint Task Force to undertake a comprehensive and thorough review of the operations of the Illinois Department of Children and Family Services Foster Care Division and related laws and rules impacting the Illinois foster care system, with the intent of making recommendations that would improve the system of department and private agency accountability, improve department functioning within the constraints of limited budgets, guarantee necessary medical and psychiatric care to wards within the department, and increase foster parent support; and be it further

RESOLVED, That the Department of Children and Family Services shall provide assistance to the Joint Task Force and the Joint Task Force shall request assistance from any other entity as necessary or useful for the performance of its duties; and be it further

RESOLVED, That the Joint Task Force shall present a report to the General Assembly no later than December 15, 2004; a copy of the report shall be provided to the Director of the Department of Children and Family Services and the Governor within 2 weeks of the presentation of the report to the General Assembly.

Adopted by the House, May 25, 2004.

MARK MAHONEY, Clerk of the House

The foregoing message from the House of Representatives, reporting House Joint Resolution No. 48, was referred to the Committee on Rules.

[May 26, 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 adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

**HOUSE JOINT RESOLUTION NO. 68**

WHEREAS, Springfield is the home of many Abraham Lincoln historic sites, such as the Lincoln Home, the Lincoln-Herndon Law Offices, the Old State Capitol, Lincoln's Tomb, and the soon to be completed Abraham Lincoln Presidential Library; and

WHEREAS, Many people visiting Abraham Lincoln historic sites travel by car; and

WHEREAS, A majority of Business Route 55 extending from Sherman through Springfield affords easy access to many of the important Abraham Lincoln historic sites in Springfield; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the portion of Business Route 55 extending from Sherman to Jefferson Street and Madison Street in Springfield, the portions of Jefferson Street and Madison Street extending from 9th Street to 5th Street and 6th Street, and the portions of 5th Street and 6th Street extending from Jefferson Street and Madison Street southward through Springfield to Interstate 55 be collectively designated the Abraham Lincoln Parkway; and be it further

RESOLVED, That the Department of Transportation is requested to erect appropriate plaques or signs giving notice of the Abraham Lincoln Parkway; and be it further.

RESOLVED, That copies of this resolution be delivered to the Secretary of Transportation and to the communities of Sherman, Springfield, and Southern View.

Adopted by the House, May 25, 2004.

MARK MAHONEY, Clerk of the House

The foregoing message from the House of Representatives, reporting House Joint Resolution No. 68, was referred to the Committee on Rules.

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

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

**HOUSE JOINT RESOLUTION NO. 69**

WHEREAS, 600,000 people visit Lincoln's New Salem State historic site each year; and

WHEREAS, Most people visiting Abraham Lincoln historic sites travel by car; and

WHEREAS, The portion of Illinois Route 123 extending from Williamsville (Route 55) to New Salem, the portion of Route 97 extending from Springfield (Route 55) to New Salem, and the portion of the Athens Blacktop extending from Athens (Route 29) to New Salem afford access to the important Abraham Lincoln historic site at New Salem; therefore be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the portion of Illinois Route 123 extending from Williamsville to New Salem, the portion of Route 97

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extending from Springfield to New Salem, and the portion of the Athens Blacktop extending from Athens to New Salem be collectively designated the Lincoln New Salem Trace; and be it further

RESOLVED, That the portion of Illinois Route 123 extending from Williamsville to New Salem, the portion of Route 97 extending from Springfield to New Salem, and the portion of the Athens Blacktop extending from Athens to New Salem be designated the Northern Trail, the Southern Trail, and the Central Trail, respectively, of the Lincoln New Salem Trace; and be it further

RESOLVED, That the Illinois Department of Transportation is requested to erect appropriate plaques or signs giving notice of the Lincoln New Salem Trace and the Northern Trail, the Southern Trail, and the Central Trail of the Lincoln New Salem Trace; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the Secretary of the Illinois Department of Transportation and to the communities of Williamsville, Petersburg, Springfield, and Athens.

Adopted by the House, May 20, 2004.

MARK MAHONEY, Clerk of the House

The foregoing message from the House of Representatives, reporting House Joint Resolution No. 69, was referred to the Committee on Rules.

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

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

#### **HOUSE JOINT RESOLUTION NO. 78**

WHEREAS, The percentage of Illinoisans without health care coverage has generally been rising for the last 15 years, growing from 9.7% in 1987 to 14.1% in 2002 and nationally the proportion of the population that is uninsured grew by 17.8% between 1987 and 2002, but it grew by 45.5% in Illinois; and

WHEREAS, Residents of rural areas face a difficult time in accessing health care due to geographic isolation, lack of transportation, economic disparity, and seasonal challenges which create obstacles for rural health care consumers; and

WHEREAS, More than 20% of the U.S. population, over 65 million people, live in rural areas, and yet, only 9% of physicians practice in rural areas; and

WHEREAS, Rural health care providers face financial barriers, including lower wages and reimbursement rates compared to urban counterparts, lower patient volumes, and fewer economies of scale; and

WHEREAS, The elderly are disproportionately represented in rural areas, with approximately 18.4% of all rural residents being elderly, and Medicare is the dominant source of health care reimbursements for rural hospitals, accounting for approximately 47% of patient care in rural areas, compared to 36% in urban areas; and

WHEREAS, In rural areas persons with disabilities and others who need specialized care must overcome the added difficulties of lack of public transportation, long distance to health care providers, and limited support services; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the Joint Task Force on Rural Health is hereby created comprised of 8 members as follows: 2 members of the

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Senate appointed by the Senate President, 2 members of the Senate appointed by the Senate Minority Leader, 2 members of the House of Representatives appointed by the Speaker of the House and 2 members of the House of Representatives appointed by the House Minority Leader, with one member appointed by the Senate President serving as co-chairperson and one member appointed by the Speaker of the House serving as co-chairperson; and be it further

RESOLVED, That the Task Force shall meet to study issues of importance for improving access to quality, affordable health care for all residents of Illinois, particularly those that reside in a rural setting; and be it further

RESOLVED, That the Task Force shall study issues related to the best practices which ensure that an adequate and well-trained workforce is available to deliver health care services to Illinois residents living in rural communities; and be it further

RESOLVED, That the Illinois Rural Health Association shall provide expert technical assistance to the Task Force as the Task Force deems necessary; and be it further

RESOLVED, That the Task Force shall present its findings and recommendations on how best to improve health care in rural communities to the President of the Senate and the Speaker of the House no later than January 1, 2005.

Adopted by the House, May 25, 2004.

MARK MAHONEY, Clerk of the House

The foregoing message from the House of Representatives, reporting House Joint Resolution No. 78, was referred to the Committee on Rules.

A message from the House by

Mr. Mahoney, Clerk:

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

HOUSE BILL 752

A bill for AN ACT relating to schools.

Which amendments are as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 752

Senate Amendment No. 2 to HOUSE BILL NO. 752

Senate Amendment No. 3 to HOUSE BILL NO. 752

Concurred in by the House, May 25, 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 622

A bill for AN ACT in relation to economic development.

Which amendment is as follows:

Senate Amendment No. 2 to HOUSE BILL NO. 622

Concurred in by the House, May 25, 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 686

[May 26, 2004]

A bill for AN ACT in relation to health.  
Which amendment is as follows:  
Senate Amendment No. 2 to HOUSE BILL NO. 686  
Concurred in by the House, May 25, 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 2572

A bill for AN ACT in relation to property.  
Which amendment is as follows:  
Senate Amendment No. 1 to HOUSE BILL NO. 2572  
Concurred in by the House, May 25, 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 956

A bill for AN ACT concerning freedom of information.  
Which amendments are as follows:  
Senate Amendment No. 1 to HOUSE BILL NO. 956  
Senate Amendment No. 2 to HOUSE BILL NO. 956  
Concurred in by the House, May 25, 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 3882

A bill for AN ACT in relation to criminal law.  
Which amendment is as follows:  
Senate Amendment No. 1 to HOUSE BILL NO. 3882  
Concurred in by the House, May 25, 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 4012

A bill for AN ACT in relation to transportation.  
Which amendment is as follows:  
Senate Amendment No. 1 to HOUSE BILL NO. 4012  
Concurred in by the House, May 25, 2004.

MARK MAHONEY, Clerk of the House

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

[May 26, 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 4108

A bill for AN ACT concerning local government.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 4108

Concurred in by the House, May 25, 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 4426

A bill for AN ACT in relation to arson.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 4426

Concurred in by the House, May 25, 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 4450

A bill for AN ACT concerning business transactions.

Which amendments are as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 4450

Senate Amendment No. 2 to HOUSE BILL NO. 4450

Concurred in by the House, May 25, 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 4771

A bill for AN ACT concerning criminal law.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 4771

Concurred in by the House, May 25, 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 4960

A bill for AN ACT concerning professional regulation.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 4960

Concurred in by the House, May 25, 2004.

MARK MAHONEY, Clerk of the House

[May 26, 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 amendments to a bill of the following title, to-wit:

HOUSE BILL 5017

A bill for AN ACT concerning fire protection districts.

Which amendments are as follows:

Senate Amendment No. 2 to HOUSE BILL NO. 5017

Senate Amendment No. 3 to HOUSE BILL NO. 5017

Senate Amendment No. 4 to HOUSE BILL NO. 5017

Concurred in by the House, May 25, 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 5023

A bill for AN ACT concerning economic development.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 5023

Concurred in by the House, May 25, 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 5057

A bill for AN ACT concerning seniors.

Which amendments are as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 5057

Senate Amendment No. 2 to HOUSE BILL NO. 5057

Concurred in by the House, May 25, 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 5215

A bill for AN ACT concerning schools.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 5215

Concurred in by the House, May 25, 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 6567

A bill for AN ACT concerning transportation.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 6567

[May 26, 2004]

Concurred in by the House, May 25, 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 6583

A bill for AN ACT concerning counties.

Which amendment is as follows:

Senate Amendment No. 2 to HOUSE BILL NO. 6583

Concurred in by the House, May 25, 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 6983

A bill for AN ACT concerning procurement.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 6983

Concurred in by the House, May 25, 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 7015

A bill for AN ACT concerning transportation.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 7015

Concurred in by the House, May 25, 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 7029

A bill for AN ACT concerning nursing.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 7029

Concurred in by the House, May 25, 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 7057

A bill for AN ACT concerning criminal law.

Which amendments are as follows:

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Senate Amendment No. 1 to HOUSE BILL NO. 7057  
Senate Amendment No. 3 to HOUSE BILL NO. 7057  
Concurred in by the House, May 25, 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 4977

A bill for AN ACT concerning taxpayers.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 4977

Concurred in by the House, May 25, 2004.

MARK MAHONEY, Clerk of the House

### REPORTS FROM STANDING COMMITTEES

Senators Cullerton and Dillard, Co-Chairpersons of the Committee on Judiciary, to which was referred the Motions to concur with House Amendments to the following Senate Bills, reported that the Committee recommends that they be approved for consideration:

Motion to Concur in House Amendment 1 to Senate Bill 2548

Motion to Concur in House Amendments 1 and 2 to Senate Bill 2607

Motion to Concur in House Amendment 1 to Senate Bill 2757

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

Senator Obama, Chairperson of the Committee on Health and Human Services, to which was referred the Motions to concur with House Amendments to the following Senate Bills, reported that the Committee recommends that they be approved for consideration:

Motion to Concur in House Amendment 2 to Senate Bill 2768

Motion to Concur in House Amendments 1 and 2 to Senate Bill 2845

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

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

Motion to Concur in House Amendment 1 to Senate Bill 2145

Motion to Concur in House Amendment 1 to Senate Bill 2320

Motion to Concur in House Amendment 1 to Senate Bill 2731

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

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

Senate Amendment No. 3 to House Bill 3835

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

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

[May 26, 2004]

Motion to Concur in House Amendment 1 to Senate Bill 2327

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

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

Senate Amendment No. 2 to House Bill 826  
Senate Amendment No. 2 to House Bill 834

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

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

Motion to Concur in House Amendments 1 and 2 to Senate Bill 2175

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

Senator del Valle, Chairperson of the Committee on Education, to which was referred the following Senate floor amendment, reported that the Committee recommends that it be approved for consideration:

Senate Amendment No. 3 to Senate Bill 3001

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

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

Senate Amendment No. 2 to House Bill 1067

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

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

Senate Amendment No. 3 to House Bill 1004

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

Senator Walsh, Chairperson of the Committee on Agriculture and Conservation, to which was referred **Senate Resolution No. 500**, reported the same back with amendments having been adopted thereto, with the recommendation that the resolution, as amended, be adopted.

Under the rules, **Senate Resolution No. 500** was placed on the Secretary's Desk.

**MESSAGE FROM THE GOVERNOR**

Message for the Governor by Joseph B. Handley  
Deputy Chief of Staff for Legislative Affairs

May 26, 2004

Mr. President,

[May 26, 2004]

The Governor directs me to lay before the Senate the following Message:

STATE OF ILLINOIS  
EXECUTIVE DEPARTMENT

To the Honorable  
Members of the Senate  
Ninety-Third General Assembly

I have withdrawn the nomination of the following named person to the office enumerated below and respectfully ask acknowledgement of this withdrawal to be officially reflected in the record of your Honorable body.

FINANCE AUTHORITY, ILLINOIS

To be withdrawn as a Member of the Illinois Finance Authority effective May 26, 2004:

Talat M. Othman of Long Grove  
Non-Salaried

Rod Blagojevich  
GOVERNOR

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

**REPORT FROM STANDING COMMITTEE**

Senator Hendon, Co-Chairperson of the Committee on Executive Appointments, moved that the Senate resolve itself into Executive Session to consider the report of that Committee relative to the Governor's, Secretary of State's and the Attorney General's appointments.  
The motion prevailed.

**EXECUTIVE SESSION**

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of October 23, 2003, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

INDUSTRIAL COMMISSION, ILLINOIS

To be a Member of the Illinois Industrial Commission for a term commencing September 8, 2003 and ending January 15, 2007:

James C. Serkland of Chicago  
Salaried

Senator Hendon moved that the Senate advise and consent to the foregoing appointment.  
And on that motion, a call of the roll was had resulting as follows:

Yeas 1; Nays 46; Present 3.

The following voted in the affirmative:

Shadid

The following voted in the negative:

[May 26, 2004]

Althoff	Haine	Martinez	Soden
Bomke	Harmon	Meeks	Sullivan, J.
Brady	Hendon	Munoz	Syverson
Burzynski	Hunter	Peterson	Trotter
Clayborne	Jacobs	Radogno	Viverito
Collins	Jones, J.	Rauschenberger	Watson
Crotty	Jones, W.	Righter	Welch
Cullerton	Lauzen	Risinger	Winkel
del Valle	Lightford	Roskam	Wojcik
DeLeo	Link	Rutherford	Mr. President
Demuzio	Luechtefeld	Sandoval	
Forby	Maloney	Sieben	

The following voted present:

Cronin  
Dillard  
Schoenberg

The motion lost.

Whereupon the President of the Senate announced that the foregoing nomination having failed to receive the vote of the majority of the members elected, as required by the Illinois Constitution, was rejected.

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of October 23, 2003, reported the same back with the recommendation that the Senate advise and consent to the following appointments:

**INDUSTRIAL COMMISSION, ILLINOIS**

To be a Member of the Illinois Industrial Commission for a term commencing September 8, 2003 and ending January 15, 2007:

James F. DeMunno of Barrington  
Salaried

To be a Member of the Illinois Industrial Commission for a term commencing September 8, 2003 and ending January 17, 2005:

Paul W. Rink of Chicago  
Salaried

To be a Member and Chair of the Illinois Industrial Commission for a term commencing September 8, 2003 and ending January 15, 2007:

Dennis R. Ruth of Collinsville  
Salaried

Senator Hendon moved that the Senate advise and consent to the foregoing appointments.  
And on that motion, a call of the roll was had resulting as follows:

Yeas 53; Nays 1.

The following voted in the affirmative:

Althoff	Haine	Meeks	Sieben
Bomke	Halvorson	Munoz	Soden
Brady	Harmon	Peterson	Sullivan, J.
Burzynski	Hendon	Petka	Syverson

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

The following voted in the negative:

del Valle

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointments.

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of April 22, 2004, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

**INDUSTRIAL COMMISSION, ILLINOIS**

To be a Member of the Illinois Industrial Commission for a term commencing April 19, 2004 and ending January 15, 2007:

Susan O. Pigott of Winnetka  
Salaried

Senator Hendon moved that the Senate advise and consent to the foregoing appointment. And on that motion, a call of the roll was had resulting as follows:

Yeas 55; Nays None.

The following voted in the affirmative:

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

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of April 29, 2004, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

[May 26, 2004]



**CHICAGO TRANSIT AUTHORITY**

To be a Member of the Chicago Transit Authority for a term commencing April 26, 2004 and ending September 1, 2007:

Nicholas C. Zagotta of Flossmoor  
Salaried

Senator Hendon moved that the Senate advise and consent to the foregoing appointment.  
And on that motion, a call of the roll was had resulting as follows:

Yeas 54; Nays None.

The following voted in the affirmative:

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

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of May 6, 2004, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

**HUMAN RIGHTS COMMISSION, ILLINOIS**

To be a Member of the Illinois Human Rights Commission for a term commencing April 30, 2004 and ending January 15, 2007:

Rozanne Ronen of Barrington  
Salaried

**TOLL HIGHWAY AUTHORITY, ILLINOIS STATE**

To be a Member of the Illinois State Toll Highway Authority for a term commencing May 3, 2004 and ending May 1, 2005:

James Roolf of Joliet  
Salaried

Senator Hendon moved that the Senate advise and consent to the foregoing appointment.  
And on that motion, a call of the roll was had resulting as follows:

Yeas 54; Nays None; Present 1.

The following voted in the affirmative:

[May 26, 2004]

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

The following voted present:

Ronen

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of May 20, 2004, reported the same back with the recommendation that the Senate advise and consent to the following appointments:

#### **EXECUTIVE ETHICS COMMISSION**

To be a Member of the Executive Ethics Commission for a term commencing May 14, 2004 and ending June 30, 2008:

Ellen C. Craig of Chicago  
Salaried

To be a Member of the Executive Ethics Commission for a term commencing May 14, 2004 and ending June 30, 2007:

John C. Cusick of Chicago  
Salaried

Senator Hendon moved that the Senate advise and consent to the foregoing appointments. And on that motion, a call of the roll was had resulting as follows:

Yeas 55; Nays None.

The following voted in the affirmative:

Althoff	Geo-Karis	Martinez	Schoenberg
Bomke	Haine	Meeks	Shadid
Brady	Halvorson	Munoz	Sieben
Burzynski	Harmon	Obama	Soden
Clayborne	Hendon	Peterson	Sullivan, J.
Collins	Hunter	Petka	Trotter
Cronin	Jacobs	Radogno	Viverito
Crotty	Jones, J.	Rauschenberger	Walsh
Cullerton	Jones, W.	Righter	Watson
del Valle	Lauzen	Risinger	Welch

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DeLeo	Lightford	Ronen	Winkel
Demuzio	Link	Roskam	Wojcik
Dillard	Luechtefeld	Rutherford	Mr. President
Forby	Maloney	Sandoval	

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointments.

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Attorney General's Message to the Senate of May 17, 2004, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

**EXECUTIVE ETHICS COMMISSION MEMBER**

To be a member of the Executive Ethics Commission for a term ending June 30, 2008.

Shawn W. Denney  
Salaried

Senator Hendon moved that the Senate advise and consent to the foregoing appointment. And on that motion, a call of the roll was had resulting as follows:

Yeas 55; Nays None.

The following voted in the affirmative:

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

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Secretary of State's Message to the Senate of May 19, 2004, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

**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

Senator Hendon moved that the Senate advise and consent to the foregoing appointment. And on that motion, a call of the roll was had resulting as follows:

[May 26, 2004]

Yeas 56; Nays None.

The following voted in the affirmative:

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

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Secretary of State's Message to the Senate of May 25, 2004, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

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

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

Robert Lucid  
Salaried

Senator Hendon moved that the Senate advise and consent to the foregoing appointment. And on that motion, a call of the roll was had resulting as follows:

Yeas 56; Nays None.

The following voted in the affirmative:

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

[May 26, 2004]

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of October 23, 2003, reported the same back with the recommendation that the Senate advise and consent to the following appointments:

**COMMUNITY COLLEGE BOARD**

To be a Member of the Community College Board for a term commencing August 25, 2003 and ending June 30, 2009:

Guy Alongi of DuQuoin  
Non-Salaried

**HEALTH FACILITIES PLANNING BOARD**

To be a Member of the Health Facilities Planning Board for a term commencing August 12, 2003 and ending July 1, 2004:

Imad Y. Almanaseer of Glenview  
Non-Salaried

To be a Member of the Health Facilities Planning Board for a term commencing August 12, 2003 and ending July 1, 2006:

Thomas P. Beck of Glenview  
Non-Salaried

To be a member of the Health Facilities Planning Board for a term commencing August 12, 2003 and ending July 1, 2006:

Michel Malek of Chicago  
Non-Salaried

To be a Member of the Health Facilities Planning Board for a term commencing August 12, 2003 and ending July 1, 2005:

Fortunee Massuda of Winnetka  
Non-Salaried

To be a Member of the Health Facilities Planning Board for a term commencing August 12, 2003 and ending July 1, 2005:

Danalynn Rice of Marion  
Non-Salaried

To be a Member of the Health Facilities Planning Board for a term commencing August 12, 2003 and ending July, 1, 2004:

Annamarie Carey York of Aurora  
Non-Salaried

Senator Hendon moved that the Senate advise and consent to the foregoing appointments. And on that motion, a call of the roll was had resulting as follows:

Yeas 53; Nays None; Present 1.

[May 26, 2004]

The following voted in the affirmative:

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

The following voted present:

Althoff

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointments.

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of November 20, 2003, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

**COMMUNITY COLLEGE BOARD, ILLINOIS**

To be a member of the Illinois Community College Board for a term commencing November 10, 2003 and ending June 30, 2009:

Suzanne Morris of Lindenhurst  
Non- Salaried

Senator Hendon moved that the Senate advise and consent to the foregoing appointment.  
And on that motion, a call of the roll was had resulting as follows:

Yeas 56; Nays None.

The following voted in the affirmative:

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

[May 26, 2004]

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of January 15, 2004, reported the same back with the recommendation that the Senate advise and consent to the following appointments:

**FINANCE AUTHORITY, ILLINOIS**

To be a member of the Illinois Finance Authority for a term commencing January 1, 2004 and ending July 17, 2006:

Joseph L. Alford of Girard  
Non-Salaried

To be a member of the Illinois Finance Authority for a term commencing January 1, 2004 and ending July 18, 2005:

Michael Goetz of Springfield  
Non-Salaried

To be a member of the Illinois Finance Authority for a term commencing January 1, 2004 and ending July 16, 2007:

David C. Gustman of Wilmette  
Non-Salaried

To be a member of the Illinois Finance Authority for a term commencing January 1, 2004 and ending July 17, 2006:

Edward H. Leonard, Sr. of Niantic  
Non-Salaried

To be a member of the Illinois Finance Authority for a term commencing January 1, 2004 and ending July 16, 2007:

Timothy K. Ozark of Chicago  
Non-Salaried

To be a member of the Illinois Finance Authority for a term commencing January 1, 2004 and ending July 16, 2007:

Andrew Rice of Lake Forest  
Non-Salaried

To be a member of the Illinois Finance Authority for a term commencing January 1, 2004 and ending July 16, 2007:

Joseph P. Valenti of Orland Park  
Non-Salaried

To be a member of the Illinois Finance Authority for a term commencing January 1, 2004 and ending July 18, 2005:

Jill Rendleman York of Springerton  
Non-Salaried

Senator Hendon moved that the Senate advise and consent to the foregoing appointments.  
And on that motion, a call of the roll was had resulting as follows:

[May 26, 2004]

Yeas 55; Nays None.

The following voted in the affirmative:

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

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointments.

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of March 26, 2004, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

#### **INVESTMENT BOARD, STATE**

To be a Member of the State Investment Board for a term commencing March 16, 2004 and ending January 17, 2005:

John T. Coli Of Vernon Hills  
Non-Salaried

Senator Hendon moved that the Senate advise and consent to the foregoing appointment. And on that motion, a call of the roll was had resulting as follows:

Yeas 56; Nays None.

The following voted in the affirmative:

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

The motion prevailed.

[May 26, 2004]



Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of April 1, 2004, reported the same back with the recommendation that the Senate advise and consent to the following appointments:

**FINANCE AUTHORITY, ILLINOIS**

To be a Member of the Illinois Finance Authority for a term commencing March 29, 2004 and ending July 17, 2006:

Natalia Delgado of Chicago  
Non-Salaried

To be a Member of the Illinois Finance Authority for a term commencing March 29, 2004 and ending July 18, 2005:

Demetris Giannoulis of Chicago  
Non-Salaried

To be a Member of the Illinois Finance Authority for a term commencing March 29, 2004 and ending July 18, 2005:

Terrence O'Brien of Glenview  
Non-Salaried

To be a Member of the Illinois Finance Authority for a term commencing March 29, 2004 and ending July 18, 2005:

Martin H. Nesbitt of Chicago  
Non-Salaried

Senator Hendon moved that the Senate advise and consent to the foregoing appointments. And on that motion, a call of the roll was had resulting as follows:

Yeas 56; Nays None.

The following voted in the affirmative:

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

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointments.

[May 26, 2004]

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of April 22, 2004, reported the same back with the recommendation that the Senate advise and consent to the following appointments:

**ILLINOIS BANKING BOARD**

To be a Member of the Illinois Banking Board for a term commencing April 5, 2004 and ending December 31, 2004:

Philip D. Cacciatore of Elmhurst  
Non-Salaried

**COMMUNITY COLLEGE BOARD, ILLINOIS**

To be a Member of the Illinois Community College Board for a term commencing April 5, 2004 and ending June 30, 2009:

Marikay Hegarty of Chicago  
Non-Salaried

**HEALTH FACILITIES PLANNING BOARD**

To be a Member of the Health Facilities Planning Board for a term commencing April 19, 2004 and ending July 1, 2006:

Bernard Weiner of Bourbonnais  
Non-Salaried

Senator Hendon moved that the Senate advise and consent to the foregoing appointments. And on that motion, a call of the roll was had resulting as follows:

Yeas 55; Nays None; Present 1.

The following voted in the affirmative:

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

The following voted present:

Althoff

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointments.

[May 26, 2004]

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of April 29, 2004, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

**SPINAL CORD AND HEAD INJURIES, ADVISORY COUNCIL ON**

To be a Member of the Advisory Council on Spinal Cord and Head Injuries for a term commencing on April 23, 2004 and June 30, 2004

Mary C. Coers of Washington  
Non-Salaried

Senator Hendon moved that the Senate advise and consent to the foregoing appointment. And on that motion, a call of the roll was had resulting as follows:

Yeas 56; Nays None.

The following voted in the affirmative:

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

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of May 6, 2004, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

**SOUTHWESTERN ILLINOIS DEVELOPMENT AUTHORITY**

To be a Member of the Southwestern Illinois Development Authority for a term commencing May 3, 2004 and ending January 15, 2007:

Barbara S. Johnson of Swansea  
Non-Salaried

Senator Hendon moved that the Senate advise and consent to the foregoing appointment. And on that motion, a call of the roll was had resulting as follows:

Yeas 56; Nays None.

The following voted in the affirmative:

Althoff	Haine	Munoz	Soden
Bomke	Halvorson	Obama	Sullivan, J.

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

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of May 20, 2004, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

**INVESTMENT, STATE BOARD OF**

To be a Member of the State Board of Investment for a term commencing May 14, 2004 and ending January 17, 2005:

Ronald E. Powell of Mundeline  
Non- Salaried

Senator Hendon moved that the Senate advise and consent to the foregoing appointment.  
And on that motion, a call of the roll was had resulting as follows:

Yeas 55; Nays None.

The following voted in the affirmative:

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

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senator Hendon asked and obtained unanimous consent for the Journal to reflect his affirmative vote on the Governor's Message to the Senate of May 20, 2004.

On motion of Senator Hendon, the Executive Session arose and the Senate resumed consideration of business.

Senator Halvorson, presiding.

[May 26, 2004]

**READING BILL FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME**

On motion of Senator Burzynski, **House Bill No. 6229** was taken up, read by title a second time and ordered to a third reading.

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

On motion of Senator Cullerton, **Senate Bill No. 2254**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

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

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

Yeas 55; Nays None.

The following voted in the affirmative:

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

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2254**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Cullerton, **Senate Bill No. 2495**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

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

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

Yeas 53; Nays None.

The following voted in the affirmative:

Althoff	Haine	Meeks	Shadid
Bomke	Halvorson	Munoz	Sieben
Brady	Harmon	Obama	Sullivan, J.
Clayborne	Hendon	Peterson	Syverson
Collins	Hunter	Petka	Trotter
Cronin	Jacobs	Radogno	Viverito
Crotty	Jones, J.	Rauschenberger	Walsh
Cullerton	Jones, W.	Righter	Watson
del Valle	Lauzen	Risinger	Welch
DeLeo	Lightford	Ronen	Winkel

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Demuzio	Link	Roskam	Mr. President
Dillard	Luechtefeld	Rutherford	
Forby	Maloney	Sandoval	
Geo-Karis	Martinez	Schoenberg	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2495**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Dillard, **Senate Bill No. 2607**, with House Amendments numbered 1 and 2 on the Secretary's Desk, was taken up for immediate consideration.

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

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

Yeas 55; Nays None.

The following voted in the affirmative:

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

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 2 to **Senate Bill No. 2607**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Sandoval, **Senate Bill No. 2731**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

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

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

Yeas 56; Nays None.

The following voted in the affirmative:

Althoff	Haine	Munoz	Soden
Bomke	Halvorson	Obama	Sullivan, J.
Brady	Harmon	Peterson	Syverson
Burzynski	Hendon	Petka	Trotter
Clayborne	Hunter	Radogno	Viverito
Collins	Jacobs	Rauschenberger	Walsh
Cronin	Jones, J.	Righter	Watson
Crotty	Jones, W.	Risinger	Welch
Cullerton	Lauzen	Ronen	Winkel

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del Valle	Lightford	Roskam	Wojcik
DeLeo	Link	Rutherford	Mr. President
Demuzio	Luechtefeld	Sandoval	
Dillard	Maloney	Schoenberg	
Forby	Martinez	Shadid	
Geo-Karis	Meeks	Sieben	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2731**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Cullerton, **Senate Bill No. 2757**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

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

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

Yeas 53; Nays 3.

The following voted in the affirmative:

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

The following voted in the negative:

Demuzio  
Forby  
Sullivan, J.

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2757**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Maloney, **Senate Bill No. 2768**, with House Amendment No. 2 on the Secretary's Desk, was taken up for immediate consideration.

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

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

Yeas 56; Nays None.

The following voted in the affirmative:

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

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 2 to **Senate Bill No. 2768**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Sandoval, **Senate Bill No. 2548**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

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

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

Yeas 56; Nays None.

The following voted in the affirmative:

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

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2548**.

Ordered that the Secretary inform the House of Representatives thereof.

#### CONSIDERATION OF RESOLUTION ON SECRETARY'S DESK

Senator Harmon moved that Senate **Resolution No. 500**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

The following amendment was offered in the Committee on Agriculture and Conservation, adopted and ordered printed:

[May 26, 2004]



**AMENDMENT NO. 1**

AMENDMENT NO. 1. Amend Senate Resolution 500 by replacing lines 2 through 32 on page 1 and all of page 2 with the following:

"WHEREAS, Controlling the dog and cat population would have a significant benefit to the public health by aiding in the prevention of dog attacks, reducing the number of dog and cat bite cases involving children, and decreasing the number of automobile accidents caused by stray dogs and cats; and

WHEREAS, Controlling the dog and cat population will save taxpayer dollars by reducing the number of dogs and cats handled by county and municipal animal control agencies; a program was implemented in New Hampshire in 1994 and has significantly reduced the number of dogs and cats euthanized in shelters in that state; every dollar spent on the New Hampshire neutering program has saved \$3.15 in reduced impoundment costs there; and

WHEREAS, It is in the best interest of the State of Illinois to study the issues relating to dog and cat over-population; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the Dog and Cat Population Control Advisory Committee is hereby created to study the dog and cat over-population problems; the Committee shall be made up of 9 members as follows: The President of the Senate or his designee, the Minority Leader of the Senate or his designee, and the following members appointed by the President of the Senate: one veterinarian who runs a private practice in Central Illinois and coordinates a feral cat trap/neuter/return program; one representative from a society for the prevention of cruelty to animals, humane society, or nonprofit animal shelter whose shelter is also a member of the Illinois Federation of Humane Societies or is a member of the Illinois Animal Control Association; one animal control administrator from southern Illinois who is a veterinarian; and, a pet owner; the following members to be appointed by the Minority Leader of the Senate: one veterinarian who is a county animal control administrator and a current member of the Illinois State Veterinary Medical Association, one representative from a high volume, low cost spay-neuter clinic that runs a targeted spay/neuter program for the pets of low-income clients for a city of more than 500,000 residents, and one animal control administrator for a city of more than 500,000 residents; the Director of Agriculture or his representative shall be a non-voting observer of the Dog and Cat Population Control Advisory Committee; and be it further

RESOLVED, That the Advisory Committee shall hold one meeting in Cook County and one meeting in Southern Illinois and shall report its findings to the General Assembly on or before November 1, 2004; after the Committee reports its findings, it is dissolved; and be it further

RESOLVED, That a copy of this resolution be presented to the President of the Senate, the Minority Leader of the Senate, and the Director of Agriculture."

Senator Harmon moved that Senate Resolution No. 500, as amended, be adopted.

The motion prevailed.

And the resolution was adopted.

**EXCUSED FROM ATTENDANCE**

On motion of Senator Burzynski, Senator D. Sullivan was excused from attendance due to legislative business.

On motion of Senator Welch, Senator Silverstein was excused from attendance due to religious reasons.

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

[May 26, 2004]

At the hour of 1:25 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 2:42 o'clock p.m., the Senate resumed consideration of business.  
Senator Halvorson, presiding.

#### INTRODUCTION OF BILL

**SENATE BILL NO. 3381.** Introduced by Senators Harmon - D. Sullivan - Martinez, a bill for AN ACT in relation to conservation.

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

#### REPORT FROM RULES COMMITTEE

Senator Viverito, Chairperson of the Committee on Rules, during its May 26, 2004 meeting, reported the following Joint Action Motions have been assigned to the indicated Standing Committees of the Senate:

Executive: **Motion to Concur in House Amendment 1 to Senate Bill 984**

Health and Human Services: **Motion to Concur in House Amendments 1 and 2 to Senate Bill 3013**

Insurance and Pensions: **Motion to Concur in House Amendment 1 to Senate Bill 2339**

Judiciary: **Motion to Concur in House Amendment 2 to Senate Bill 132; Motion to Concur in House Amendment 1 to Senate Bill 2244**

Labor and Commerce: **Motion to Concur in House Amendment 1 to Senate Bill 2858**

Licensed Activities: **Motion to Concur in House Amendment 1 to Senate Bill 2887**

Local Government: **Motion to Concur in House Amendment 1 to Senate Bill 1631**

Senator Viverito, Chairperson of the Committee on Rules, during its May 26, 2004 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Executive: **Senate Amendment No. 2 to House Bill 1336; Senate Amendment No. 1 to House Bill 7181.**

Judiciary: **Senate Amendment No. 2 to House Bill 1191.**

Local Government: **Senate Amendment No. 2 to House Bill 976.**

Transportation: **Senate Amendment No. 4 to House Bill 3835.**

Senator Viverito, Chairperson of the Committee on Rules, during its May 26, 2004 meeting, reported the following Senate Resolutions have been assigned to the indicated Standing Committee of the Senate:

Executive: **House Joint Resolutions Numbered 64, 68, 69, 86, Senate Joint Resolutions Numbered 73 and 81.**

Senator Viverito, Chairperson of the Committee on Rules, to which was referred **House Bills Numbered 738, 846 and 911** on July 1, 2003, pursuant to Rule 3-9(b), reported that the Committee recommends that the bills be approved for consideration and returned to the calendar in their former position.

The report of the Committee was concurred in.

[May 26, 2004]

And **House Bills Numbered 738, 846 and 911** were returned to the order of third reading.

### COMMITTEE MEETING ANNOUNCEMENT

The Chair announced that the Executive Committee will meet today in Room 400 Capitol Building, at 4:00 o'clock p.m.

At the hour of 2:55 o'clock p.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

### AFTER RECESS

At the hour of 5:53 o'clock p.m., the Senate resumed consideration of business.  
Senator Halvorson, presiding.

### 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:

SENATE BILL NO. 2253

A bill for AN ACT concerning professional regulation.

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. 2253

House Amendment No. 2 to SENATE BILL NO. 2253

Passed the House, as amended, May 26, 2004.

MARK MAHONEY, Clerk of the House

### AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 2253 by replacing everything after the enacting clause with the following:

"Section 5. The Pharmacy Practice Act of 1987 is amended by changing Section 3 as follows:

(225 ILCS 85/3) (from Ch. 111, par. 4123)

(Section scheduled to be repealed on January 1, 2008)

Sec. 3. Definitions. For the purpose of this Act, except where otherwise limited therein:

(a) "Pharmacy" or "drugstore" means and includes every store, shop, pharmacy department, or other place where pharmaceutical care is provided by a pharmacist (1) where drugs, medicines, or poisons are dispensed, sold or offered for sale at retail, or displayed for sale at retail; or (2) where prescriptions of physicians, dentists, veterinarians, podiatrists, or therapeutically certified optometrists, within the limits of their licenses, are compounded, filled, or dispensed; or (3) which has upon it or displayed within it, or affixed to or used in connection with it, a sign bearing the word or words "Pharmacist", "Druggist", "Pharmacy", "Pharmaceutical Care", "Apothecary", "Drugstore", "Medicine Store", "Prescriptions", "Drugs", "Medicines", or any word or words of similar or like import, either in the English language or any other language; or (4) where the characteristic prescription sign (Rx) or similar design is exhibited; or (5) any store, or shop, or other place with respect to which any of the above words, objects, signs or designs are used in any advertisement.

(b) "Drugs" means and includes (1) articles recognized in the official United States Pharmacopoeia/National Formulary (USP/NF), or any supplement thereto and being intended for and having for their main use the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals, as approved by the United States Food and Drug Administration, but does not include devices or their components, parts, or accessories; and (2) all other articles intended for and having for their main use the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals, as approved by the United States Food and Drug Administration, but does not include devices or their components, parts, or accessories; and (3) articles (other than food) having for their main use and intended to affect the structure or any function of the body of man or other animals; and (4) articles having for their main use and intended for use as a component or any articles specified in clause (1), (2)

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or (3); but does not include devices or their components, parts or accessories.

(c) "Medicines" means and includes all drugs intended for human or veterinary use approved by the United States Food and Drug Administration.

(d) "Practice of pharmacy" means the provision of pharmaceutical care to patients as determined by the pharmacist's professional judgment in the following areas, which may include but are not limited to (1) patient counseling, (2) interpretation and assisting in the monitoring of appropriate drug use and prospective drug utilization review, (3) providing information on the therapeutic values, reactions, drug interactions, side effects, uses, selection of medications and medical devices, and outcome of drug therapy, (4) participation in drug selection, drug monitoring, drug utilization review, evaluation, administration, interpretation, application of pharmacokinetic and laboratory data to design safe and effective drug regimens, (5) drug research (clinical and scientific), and (6) compounding and dispensing of drugs and medical devices.

(e) "Prescription" means and includes any written, oral, facsimile, or electronically transmitted order for drugs or medical devices, issued by a physician licensed to practice medicine in all its branches, dentist, veterinarian, or podiatrist, or therapeutically certified optometrist, within the limits of their licenses, by a physician assistant in accordance with subsection (f) of Section 4, or by an advanced practice nurse in accordance with subsection (g) of Section 4, containing the following: (1) name of the patient; (2) date when prescription was issued; (3) name and strength of drug or description of the medical device prescribed; and (4) quantity, (5) directions for use, (6) prescriber's name, address and signature, and (7) DEA number where required, for controlled substances. DEA numbers shall not be required on inpatient drug orders.

(f) "Person" means and includes a natural person, copartnership, association, corporation, government entity, or any other legal entity.

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

(h) "Board of Pharmacy" or "Board" means the State Board of Pharmacy of the Department of Professional Regulation.

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

(j) "Drug product selection" means the interchange for a prescribed pharmaceutical product in accordance with Section 25 of this Act and Section 3.14 of the Illinois Food, Drug and Cosmetic Act.

(k) "Inpatient drug order" means an order issued by an authorized prescriber for a resident or patient of a facility licensed under the Nursing Home Care Act or the Hospital Licensing Act, or "An Act in relation to the founding and operation of the University of Illinois Hospital and the conduct of University of Illinois health care programs", approved July 3, 1931, as amended, or a facility which is operated by the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities) or the Department of Corrections.

(k-5) "Pharmacist" means an individual health care professional and provider currently licensed by this State to engage in the practice of pharmacy.

(l) "Pharmacist in charge" means the licensed pharmacist whose name appears on a pharmacy license and who is responsible for all aspects of the operation related to the practice of pharmacy.

(m) "Dispense" means the delivery of drugs and medical devices, in accordance with applicable State and federal laws and regulations, to the patient or the patient's representative authorized to receive these products, including the preparation, compounding, packaging, and labeling necessary for delivery, interpretation, computer entry, and verification of medication orders and prescriptions, drug product selection, and any recommending or advising concerning the contents and therapeutic values and uses thereof. "Dispense" does not mean the physical delivery to a patient or a patient's representative in a home or institution by a designee of a pharmacist or by common carrier. "Dispense" also does not mean the physical delivery of a drug or medical device to a patient or patient's representative by a pharmacist's designee within a pharmacy or drugstore while the pharmacist is on duty and the pharmacy is open.

(n) "Mail-order pharmacy" means a pharmacy that is located in a state of the United States, other than Illinois, that delivers, dispenses or distributes, through the United States Postal Service or other common carrier, to Illinois residents, any substance which requires a prescription.

(o) "Compounding" means the preparation, mixing, assembling, packaging, or labeling of a drug or medical device: (1) as the result of a practitioner's prescription drug order or initiative that is dispensed pursuant to a prescription in the course of professional practice; or (2) for the purpose of, or incident to, research, teaching, or chemical analysis; or (3) in anticipation of prescription drug orders based on routine, regularly observed prescribing patterns.

(p) "Confidential information" means information, maintained by the pharmacist in the patient's records, released only (i) to the patient or, as the patient directs, to other practitioners and other pharmacists or (ii) to any other person authorized by law to receive the information.

(q) "Prospective drug review" or "drug utilization evaluation" means a screening for potential drug therapy problems due to therapeutic duplication, drug-disease contraindications, drug-drug interactions (including serious interactions with nonprescription or over-the-counter drugs), drug-food interactions, incorrect drug dosage or duration of drug treatment, drug-allergy interactions, and clinical abuse or misuse.

(r) "Patient counseling" means the communication between a pharmacist or a student pharmacist under the direct supervision of a pharmacist and a patient or the patient's representative about the patient's medication or device for the purpose of optimizing proper use of prescription medications or devices. The offer to counsel by the pharmacist or the pharmacist's designee, and subsequent patient counseling by the pharmacist or student pharmacist, shall be made in a face-to-face communication with the patient or patient's representative unless, in the professional judgment of the pharmacist, a face-to-face communication is deemed inappropriate or unnecessary. In that instance, the offer to counsel or patient counseling may be made in a written communication, by telephone, or in a manner determined by the pharmacist to be appropriate.

(s) "Patient profiles" or "patient drug therapy record" means the obtaining, recording, and maintenance of patient prescription information, including prescriptions for controlled substances, and personal information.

(t) "Pharmaceutical care" includes, but is not limited to, the act of monitoring drug use and other patient care services intended to achieve outcomes that improve the patient's quality of life but shall not include the sale of over-the-counter drugs by a seller of goods and services who does not dispense prescription drugs.

(u) "Medical device" means an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, or other similar or related article, including any component part or accessory, required under federal law to bear the label "Caution: Federal law requires dispensing by or on the order of a physician". A seller of goods and services who, only for the purpose of retail sales, compounds, sells, rents, or leases medical devices shall not, by reasons thereof, be required to be a licensed pharmacy.

(v) "Unique identifier" means an electronic signature, handwritten signature or initials, thumb print, or other acceptable individual biometric or electronic identification process as approved by the Department. (Source: P.A. 92-880, eff. 1-1-04; 93-571, eff. 8-20-03.)

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

#### AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 2253, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 4, line 23, by deleting "interpretation"; and

on page 4, lines 24 and 25, by deleting "drug product selection".

Under the rules, the foregoing **Senate Bill No. 2253**, 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. 2375

A bill for AN ACT concerning procurement.

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. 2375

Passed the House, as amended, May 26, 2004.

MARK MAHONEY, Clerk of the House

#### AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 2375 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Procurement Code is amended by adding Section 25-65 as follows:

[May 26, 2004]

(30 ILCS 500/25-65 new)

Sec. 25-65. Contracts performed outside the United States. Prior to contracting or as a requirement of solicitation of any State contracts for services as defined in Section 1-15.90, whichever is appropriate, prospective vendors shall disclose in a statement of work where services will be performed under that contract, including any subcontracts, and whether any services under that contract, including any subcontracts, are anticipated to be performed outside the United States.

In awarding the contract or evaluating the bid or offer, the chief procurement officer may consider such disclosure and the economic impact to the State of Illinois and its residents.

If the chief procurement officer awards a contract to a vendor based upon disclosure that work will be performed in the United States and during the term of the contract the contractor or a subcontractor proceeds to shift work outside of the United States, the contractor shall be deemed in breach of contract, unless the chief procurement officer shall have first determined in writing that circumstances require the shift of work or that termination of the contract would not be in the State's best interest.

Nothing in this Section is intended to contravene any existing treaty, law, agreement, or regulation of the United States.

The Department of Central Management Services shall prepare and deliver to the General Assembly, no later than September 1, 2007, a report on the impact of outsourcing services on the State's cost of procurement that identifies those contracts where it was disclosed that services were provided outside of the United States and a description and value of those services."

Under the rules, the foregoing **Senate Bill No. 2375**, 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. 2496

A bill for AN ACT concerning adoption.

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. 2496

Passed the House, as amended, May 26, 2004.

MARK MAHONEY, Clerk of the House

#### AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 2496 on page 1, by replacing lines 4 and 5 with the following:

"Section 5. The Adoption Act is amended by changing Sections 7, 8 and 18.3a as follows."; and

on page 4, after line 2, by inserting the following:

"(750 ILCS 50/8) (from Ch. 40, par. 1510)

Sec. 8. Consents to adoption and surrenders for purposes of adoption.

(a) Except as hereinafter provided in this Section consents or surrenders shall be required in all cases, unless the person whose consent or surrender would otherwise be required shall be found by the court:

- (1) to be an unfit person as defined in Section 1 of this Act, by clear and convincing evidence; or
- (2) not to be the biological or adoptive father of the child; or
- (3) to have waived his parental rights to the child under Section 12a or 12.1 of this Act; or
- (4) to be the parent of an adult sought to be adopted; or
- (5) to be the father of the child as a result of criminal sexual abuse or assault as defined under Article 12 of the Criminal Code of 1961, including but not limited to:

(1) the father of the child, who is a family member of the mother of the child, and the mother is under the age of 18 at the time of the child's conception. For purposes of this subsection, a "family member" is a parent, step-parent, grandparent, step-grandparent, sibling, or cousin of the first degree, whether by whole blood, half-blood, or adoption, as well as a person who has resided in the household

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with the mother continuously for at least one year; or

(ii) the father of the child, who is at least 5 years older than the child's mother, and the mother was under the age of 17 at the time of child's conception, unless the mother and father voluntarily acknowledge the father's paternity of the child by marrying or by establishing the father's paternity by consent of the parties pursuant to the Illinois Parentage Act of 1984 or pursuant to a substantially similar statute in another state.

A criminal conviction of any offense pursuant to Article 12 of the Criminal Code of 1961 is not required. ; or

(6) to have been indicated for child sexual abuse as defined in the Abused and Neglected Child Reporting Act that involved sexual penetration of the mother; or

(7) to be at least 5 years older than the mother and the mother was under the age 17 at the time of conception of the child to be adopted.

(b) Where consents are required in the case of an adoption of a minor child, the consents of the following persons shall be sufficient:

(1) (A) The mother of the minor child; and

(B) The father of the minor child, if the father:

(i) was married to the mother on the date of birth of the child or within 300 days before the birth of the child, except for a husband or former husband who has been found by a court of competent jurisdiction not to be the biological father of the child; or

(ii) is the father of the child under a judgment for adoption, an order of parentage, or an acknowledgment of parentage or paternity pursuant to subsection (a) of Section 5 of the Illinois Parentage Act of 1984; or

(iii) in the case of a child placed with the adopting parents less than 6 months after birth, openly lived with the child, the child's biological mother, or both, and held himself out to be the child's biological father during the first 30 days following the birth of the child; or

(iv) in the case of a child placed with the adopting parents less than 6 months after birth, made a good faith effort to pay a reasonable amount of the expenses related to the birth of the child and to provide a reasonable amount for the financial support of the child before the expiration of 30 days following the birth of the child, provided that the court may consider in its determination all relevant circumstances, including the financial condition of both biological parents; or

(v) in the case of a child placed with the adopting parents more than 6 months after birth, has maintained substantial and continuous or repeated contact with the child as manifested by: (I) the payment by the father toward the support of the child of a fair and reasonable sum, according to the father's means, and either (II) the father's visiting the child at least monthly when physically and financially able to do so and not prevented from doing so by the person or authorized agency having lawful custody of the child, or (III) the father's regular communication with the child or with the person or agency having the care or custody of the child, when physically and financially unable to visit the child or prevented from doing so by the person or authorized agency having lawful custody of the child. The subjective intent of the father, whether expressed or otherwise unsupported by evidence of acts specified in this sub-paragraph as manifesting such intent, shall not preclude a determination that the father failed to maintain substantial and continuous or repeated contact with the child; or

(vi) in the case of a child placed with the adopting parents more than six months after birth, openly lived with the child for a period of six months within the one year period immediately preceding the placement of the child for adoption and openly held himself out to be the father of the child; or

(vii) has timely registered with Putative Father Registry, as provided in Section 12.1 of this Act, and prior to the expiration of 30 days from the date of such registration, commenced legal proceedings to establish paternity under the Illinois Parentage Act of 1984 or under the law of the jurisdiction of the child's birth; or

(2) The legal guardian of the person of the child, if there is no surviving parent; or

(3) An agency, if the child has been surrendered for adoption to such agency; or

(4) Any person or agency having legal custody of a child by court order if the parental rights of the parents have been judicially terminated, and the court having jurisdiction of the guardianship of the child has authorized the consent to the adoption; or

(5) The execution and verification of the petition by any petitioner who is also a parent of the child sought to be adopted shall be sufficient evidence of such parent's consent to the

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adoption.

(c) Where surrenders to an agency are required in the case of a placement for adoption of a minor child by an agency, the surrenders of the following persons shall be sufficient:

(1) (A) The mother of the minor child; and

(B) The father of the minor child, if the father:

(i) was married to the mother on the date of birth of the child or within 300 days before the birth of the child, except for a husband or former husband who has been found by a court of competent jurisdiction not to be the biological father of the child; or

(ii) is the father of the child under a judgment for adoption, an order of parentage, or an acknowledgment of parentage or paternity pursuant to subsection (a) of Section 5 of the Illinois Parentage Act of 1984; or

(iii) in the case of a child placed with the adopting parents less than 6 months after birth, openly lived with the child, the child's biological mother, or both, and held himself out to be the child's biological father during the first 30 days following the birth of a child; or

(iv) in the case of a child placed with the adopting parents less than 6 months after birth, made a good faith effort to pay a reasonable amount of the expenses related to the birth of the child and to provide a reasonable amount for the financial support of the child before the expiration of 30 days following the birth of the child, provided that the court may consider in its determination all relevant circumstances, including the financial condition of both biological parents; or

(v) in the case of a child placed with the adopting parents more than six months after birth, has maintained substantial and continuous or repeated contact with the child as manifested by: (I) the payment by the father toward the support of the child of a fair and reasonable sum, according to the father's means, and either (II) the father's visiting the child at least monthly when physically and financially able to do so and not prevented from doing so by the person or authorized agency having lawful custody of the child or (III) the father's regular communication with the child or with the person or agency having the care or custody of the child, when physically and financially unable to visit the child or prevented from doing so by the person or authorized agency having lawful custody of the child. The subjective intent of the father, whether expressed or otherwise, unsupported by evidence of acts specified in this sub-paragraph as manifesting such intent, shall not preclude a determination that the father failed to maintain substantial and continuous or repeated contact with the child; or

(vi) in the case of a child placed with the adopting parents more than six months after birth, openly lived with the child for a period of six months within the one year period immediately preceding the placement of the child for adoption and openly held himself out to be the father of the child; or

(vii) has timely registered with the Putative Father Registry, as provided in

Section 12.1 of this Act, and prior to the expiration of 30 days from the date of such registration, commenced legal proceedings to establish paternity under the Illinois Parentage Act of 1984, or under the law of the jurisdiction of the child's birth.

(d) In making a determination under subparagraphs (b)(1) and (c)(1), no showing shall be required of diligent efforts by a person or agency to encourage the father to perform the acts specified therein.

(e) In the case of the adoption of an adult, only the consent of such adult shall be required.

(Source: P.A. 93-510, eff. 1-1-04.)

(750 ILCS 50/18.3a) (from Ch. 40, par. 1522.3a)

Sec. 18.3a. Confidential intermediary.

(a) General purposes. Notwithstanding any other provision of this Act, any adopted person 21 years of age or over, any adoptive parent or legal guardian of an adopted person under the age of 21, or any birth parent of an adopted person who is 21 years of age or over may petition the court in any county in the State of Illinois for appointment of a confidential intermediary as provided in this Section for the purpose of exchanging medical information with one or more mutually consenting biological relatives, obtaining identifying information about one or more mutually consenting biological relatives, or arranging contact with one or more mutually consenting biological relatives. Additionally, in cases where an adopted or surrendered person is deceased, an adult child of the adopted or surrendered person may file a petition under this Section and in cases where the birth parent is deceased, an adult birth sibling of the adopted person or of the deceased birth parent may file a petition under this Section for the purpose of exchanging medical information with one or more mutually consenting biological relatives, obtaining identifying information about one or more mutually consenting biological relatives, or

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arranging contact with one or more mutually consenting biological relatives.

(b) Petition. Upon petition by an adopted person 21 years of age or over, an adoptive parent or legal guardian of an adopted person under the age of 21, or a birth parent of an adopted person who is 21 years of age or over, the court shall appoint a confidential intermediary. Upon petition by an adult child of an adopted person who is deceased or by an adult birth sibling of an adopted person whose birth parent is deceased or by an adult sibling of a birth parent who is deceased, the court may appoint a confidential intermediary if the court finds that the disclosure is of greater benefit than nondisclosure. The petition shall state which biological relative or relatives are being sought and shall indicate if the petitioner wants to do any one or more of the following: exchange medical information with the biological relative or relatives, obtain identifying information from the biological relative or relatives, or to arrange contact with the biological relative.

(c) Order. The order appointing the confidential intermediary shall allow that intermediary to conduct a search for the sought-after relative by accessing those records described in subsection (g) of this Section.

(d) Fees and expenses. The court shall condition the appointment of the confidential intermediary on the petitioner's payment of the intermediary's fees and expenses in advance of the commencement of the work of the confidential intermediary.

(e) Eligibility of intermediary. The court may appoint as confidential intermediary either an employee of the Illinois Department of Children and Family Services designated by the Department to serve as such; ~~or any other person certified by the Department as qualified to serve as a confidential intermediary~~, ~~or any employee of a licensed child welfare agency certified by the agency as qualified to serve as a confidential intermediary.~~ Certification shall be dependent upon the confidential intermediary completing a course of training including, but not limited to, applicable federal and State privacy laws.

(f) Confidential Intermediary Council. There shall be established under the Department of Children and Family Services a Confidential Intermediary Advisory Council. One member shall be an attorney representing the Attorney General's Office appointed by the Attorney General. One member shall be a currently certified confidential intermediary appointed by the Director of the Department of Children and Family Services. The Director shall also appoint 5 additional members. When making those appointments, the Director shall consider advocates for adopted persons, adoptive parents, birth parents, lawyers who represent clients in private adoptions, lawyers specializing in privacy law, and representatives of agencies involved in adoptions. The Director shall appoint one of the 7 members as the chairperson. An attorney from the Department of Children and Family Services and the person directly responsible for administering the confidential intermediary program shall serve as ex-officio, non-voting advisors to the Council. Council members shall serve at the discretion of the Director and shall receive no compensation other than reasonable expenses approved by the Director. The Council shall meet no less than twice yearly, and shall make recommendations to the Director regarding the development of rules, procedures, and forms that will ensure efficient and effective operation of the confidential intermediary process, including:

- (1) Standards for certification for confidential intermediaries.
- (2) Oversight of methods used to verify that intermediaries are complying with the appropriate laws.
- (3) Training for confidential intermediaries, including training with respect to federal and State privacy laws.
- (4) The relationship between confidential intermediaries and the court system, including the development of sample orders defining the scope of the intermediaries' access to information.
- (5) Any recent violations of policy or procedures by confidential intermediaries and remedial steps, including decertification, to prevent future violations.

(g) Access. Subject to the limitations of subsection (i) of this Section, the confidential intermediary shall have access to vital records maintained by the Department of Public Health and its local designees for the maintenance of vital records and all records of the court or any adoption agency, public or private, which relate to the adoption or the identity and location of an adopted person, of an adult child of a deceased adopted person, or of a birth parent, birth sibling, or the sibling of a deceased birth parent. The confidential intermediary shall not have access to any personal health information protected by the Standards for Privacy of Individually Identifiable Health Information adopted by the U.S. Department of Health and Human Services under the Health Insurance Portability and Accountability Act of 1996 unless the confidential intermediary has obtained written consent from the person whose information is being sought or, if that person is a minor child, that person's parent or guardian. Confidential intermediaries shall be authorized to inspect confidential relinquishment and adoption records. The

confidential intermediary shall not be authorized to access medical records, financial records, credit records, banking records, home studies, attorney file records, or other personal records. In cases where a birth parent is being sought, an adoption agency shall inform the confidential intermediary of any statement filed pursuant to Section 18.3 indicating a desire of the surrendering birth parent to have identifying information shared or to not have identifying information shared. If there was a clear statement of intent by the sought-after birth parent not to have identifying information shared, the confidential intermediary shall discontinue the search and inform the petitioning party of the sought-after relative's intent. Additional information provided to the confidential intermediary by an adoption agency shall be restricted to the full name, date of birth, place of birth, last known address, and last known telephone number of the sought-after relative or, if applicable, of the children or siblings of the sought-after relative.

(h) Adoption agency disclosure of medical information. If the petitioner is an adult adopted person or the adoptive parent of a minor and if the petitioner has signed a written authorization to disclose personal medical information, an adoption agency disclosing information to a confidential intermediary shall disclose available medical information about the adopted person from birth through adoption.

(i) Duties of confidential intermediary in conducting a search. In conducting a search under this Section, the confidential intermediary shall first confirm that there is no Denial of Information Exchange on file with the Illinois Adoption Registry. If the petitioner is an adult child of an adopted person who is deceased, the confidential intermediary shall additionally confirm that the adopted person did not file a Denial of Information Exchange with the Illinois Adoption Registry during his or her life. If the petitioner is an adult birth sibling of an adopted person or an adult sibling of a birth parent who is deceased, the confidential intermediary shall additionally confirm that the birth parent did not file a Denial of Information Exchange with the Registry during his or her life. If the confidential intermediary learns that a sought-after birth parent signed a statement indicating his or her intent not to have identifying information shared, and did not later file an Information Exchange Authorization with the Adoption Registry, the confidential intermediary shall discontinue the search and inform the petitioning party of the birth parent's intent.

In conducting a search under this Section, the confidential intermediary shall attempt to locate the relative or relatives from whom the petitioner has requested information. If the sought-after relative is deceased or cannot be located after a diligent search, the confidential intermediary may contact adult biological relatives of the sought-after relative.

The confidential intermediary shall contact a sought-after relative on behalf of the petitioner in a manner that respects the sought-after relative's privacy and shall inform the sought-after relative of the petitioner's request for medical information, identifying information or contact as stated in the petition. Based upon the terms of the petitioner's request, the confidential intermediary shall contact a sought-after relative on behalf of the petitioner and inform the sought-after relative of the following options:

(1) The sought-after relative may totally reject one or all of the requests for medical information, identifying information or contact. The sought-after relative shall be informed that they can provide a medical questionnaire to be forwarded to the petitioner without releasing any identifying information. The confidential intermediary shall inform the petitioner of the sought-after relative's decision to reject the sharing of information or contact.

(2) The sought-after relative may consent to completing a medical questionnaire only. In this case, the confidential intermediary shall provide the questionnaire and ask the sought-after relative to complete it. The confidential intermediary shall forward the completed questionnaire to the petitioner and inform the petitioner of the sought-after relative's desire to not provide any additional information.

(3) The sought-after relative may communicate with the petitioner without having his or her identity disclosed. In this case, the confidential intermediary shall arrange the desired communication in a manner that protects the identity of the sought-after relative. The confidential intermediary shall inform the petitioner of the sought-after relative's decision to communicate but not disclose his or her identity.

(4) The sought after relative may consent to initiate contact with the petitioner. If both the petitioner and the sought-after relative or relatives are eligible to register with the Illinois Adoption Registry, the confidential intermediary shall provide the necessary application forms and request that the sought-after relative register with the Illinois Adoption Registry. If either the petitioner or the sought-after relative or relatives are ineligible to register with the Illinois Adoption Registry, the confidential intermediary shall obtain written consents from both parties that they wish to disclose their identities to each other and to have contact with each other.

(j) Oath. The confidential intermediary shall sign an oath of confidentiality substantially as follows: "I, ....., being duly sworn, on oath depose and say: As a condition of appointment as a confidential intermediary, I affirm that:

(1) I will not disclose to the petitioner, directly or indirectly, any confidential information except in a manner consistent with the law.

(2) I recognize that violation of this oath subjects me to civil liability and to a potential finding of contempt of court. ....

SUBSCRIBED AND SWORN to before me, a Notary Public, on (insert date)

....."

(k) Sanctions.

(1) Any confidential intermediary who improperly discloses confidential information identifying a sought-after relative shall be liable to the sought-after relative for damages and may also be found in contempt of court.

(2) Any person who learns a sought-after relative's identity, directly or indirectly, through the use of procedures provided in this Section and who improperly discloses information identifying the sought-after relative shall be liable to the sought-after relative for actual damages plus minimum punitive damages of \$10,000.

(3) The Department shall fine any confidential intermediary who improperly discloses confidential information in violation of item (1) or (2) of this subsection (k) an amount up to \$2,000 per improper disclosure. This fine does not affect civil liability under item (2) of this subsection (k). The Department shall deposit all fines and penalties collected under this Section into the Illinois Adoption Registry and Medical Information Fund.

(l) Death of person being sought. Notwithstanding any other provision of this Act, if the confidential intermediary discovers that the person being sought has died, he or she shall report this fact to the court, along with a copy of the death certificate.

(m) Any confidential information obtained by the confidential intermediary during the course of his or her search shall be kept strictly confidential and shall be used for the purpose of arranging contact between the petitioner and the sought-after birth relative. At the time the case is closed, all identifying information shall be returned to the court for inclusion in the impounded adoption file.

(n) If the petitioner is an adopted person 21 years of age or over or the adoptive parent or legal guardian of an adopted person under the age of 21, any non-identifying information, as defined in Section 18.4, that is ascertained during the course of the search may be given in writing to the petitioner before the case is closed.

(o) Except as provided in subsection (k) of this Section, no liability shall accrue to the State, any State agency, any judge, any officer or employee of the court, any certified confidential intermediary, or any agency designated to oversee confidential intermediary services for acts, omissions, or efforts made in good faith within the scope of this Section.

(Source: P.A. 93-189, eff. 1-1-04)."

Under the rules, the foregoing **Senate Bill No. 2496**, 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. 2499

A bill for AN ACT in relation to criminal law.

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

House Amendment No. 1 to SENATE BILL NO. 2499

Passed the House, as amended, May 26, 2004.

MARK MAHONEY, Clerk of the House

#### AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 2499 by replacing everything after the enacting clause with the following:

[May 26, 2004]

"Section 5. The Child Care Act of 1969 is amended by adding Section 14.5 as follows:  
(225 ILCS 10/14.5 new)

Sec. 14.5. Offering, providing, or co-signing a loan or other credit accommodation. No person or entity shall offer, provide, or co-sign a loan or other credit accommodation, directly or indirectly, with a biological parent or a relative of a biological parent based on the contingency of a surrender or placement of a child for adoption.

Section 10. The Adoption Compensation Prohibition Act is amended by changing Section 4.1 as follows:

(720 ILCS 525/4.1) (from Ch. 40, par. 1704.1)

Sec. 4.1. Payment of certain expenses.

(a) A person or persons who have filed or intend to file a petition to adopt a child under the Adoption Act shall be permitted to pay the reasonable living expenses of the biological parents of the child sought to be adopted, in addition to those expenses set forth in Section 4, only in accordance with the provisions of this Section.

"Reasonable living expenses" means the reasonable costs of lodging, food, and clothing for the biological parents during the period of the biological mother's pregnancy and for no more than 30 days after the birth of the child. The term does not include expenses for lost wages, gifts, educational expenses, or other similar expenses of the biological parents.

(b) The petitioners may seek leave of the court to pay the reasonable living expenses of the biological parents. They shall be permitted to pay the reasonable living expenses of the biological parents only upon prior order of the circuit court where the petition for adoption will be filed, or if the petition for adoption has been filed in the circuit court where the petition is pending.

(c) Payments under this Section shall be permitted only in those circumstances where there is a demonstrated need for the payment of such expenses to protect the health of the biological parents or the health of the child sought to be adopted.

(d) Payment of their reasonable living expenses, as provided in this Section, shall not obligate the biological parents to place the child for adoption. In the event the biological parents choose not to place the child for adoption, the petitioners shall have no right to seek reimbursement of moneys paid to the biological parents pursuant to a court order under this Section.

(d-5) No person or entity shall offer, provide, or co-sign a loan or any other credit accommodation, directly or indirectly, with a biological parent or a relative of a biological parent based on the contingency of a surrender or placement of a child for adoption.

(e) Within 14 days after the completion of all payments for reasonable living expenses of the biological parents under this Section, the petitioners shall present a final accounting of all those expenses to the court. The accounting shall include vouchers for all moneys expended, copies of all checks written, and receipts for all cash payments. The accounting shall also include the verified statements of the petitioners, each attorney of record, and the biological parents or parents to whom or on whose behalf the payments were made attesting to the accuracy of the accounting.

(f) If the placement of a child for adoption is made in accordance with the Interstate Compact on the Placement of Children, and if the sending state permits the payment of any expenses of biological parents that are not permitted under this Act, then the payment of those expenses shall not be a violation of this Act. In that event, the petitioners shall file an accounting of all payments of the expenses of the biological parent or parents with the court in which the petition for adoption is filed or is to be filed. The accounting shall include a copy of the statutory provisions of the sending state that permit payments in addition to those permitted by this Act and a copy of all orders entered in the sending state that relate to expenses of the biological parents paid by the petitioners in the sending state.

(g) The petitioners shall be permitted to pay the reasonable attorney's fees of the biological parents' attorney in connection with proceedings under this Act or in connection with proceedings for the adoption of the child. The attorney's fees shall be paid only after a petition seeking leave to pay those fees is filed with the court in which the adoption proceeding is filed or to be filed. The court shall review the petition for leave to pay attorney's fees, and if the court determines that the fees requested are reasonable, the court shall permit the petitioners to pay them. If the court determines that the fees requested are not reasonable, the court shall determine and set the reasonable attorney's fees of the biological parents' attorney which may be paid by the petitioners.

(h) The court may appoint a guardian ad litem for an unborn child to represent the interests of the child in proceedings under this Section.

(Source: P.A. 87-1129; 88-148.)"

Under the rules, the foregoing **Senate Bill No. 2499**, 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. 2844

A bill for AN ACT concerning veterans home advisory councils.

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. 2844

House Amendment No. 2 to SENATE BILL NO. 2844

Passed the House, as amended, May 26, 2004.

MARK MAHONEY, Clerk of the House

**AMENDMENT NO. 1**

AMENDMENT NO. 1. Amend Senate Bill 2844 by replacing the title with the following:

"AN ACT in relation to veterans."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Department of Veterans Affairs Act is amended by adding Section 15 as follows:

(20 ILCS 2805/15 new)

Sec. 15. Veterans advisory council.

(a) A veterans advisory council shall be established in the State of Illinois. The council shall consist of at least 17 members as follows:

(1) Four members of the General Assembly, appointed one each by the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives. Each such member must be from a legislative or representative district in which a State-operated veterans home is located, and each such district in which a State-operated veterans home is located must be represented on the council.

(2) Six members appointed by the Director of Veterans' Affairs.

(3) One member appointed by the commander or president of each veterans service organization that is chartered by the federal government and by the State of Illinois and elects to appoint a member.

No member of the council shall be an employee or representative of the Department of Veterans' Affairs.

Members of the council shall serve without compensation or reimbursement.

(b) At the initial meeting of the council, the members shall elect from among themselves a chairman. The members shall draw lots to determine the length of their terms so that 9 members have terms that expire on July 1, 2005 and the remaining members have terms that expire on July 1, 2006. Thereafter, all members of the council shall be appointed for terms of 2 years.

The Director of Veterans' Affairs may at any time make an appointment to fill a vacancy for the unexpired term of a member.

(c) The council shall meet quarterly or at the call of the chairman or at the call of the Director of Veterans' Affairs or the Governor. The Department shall provide meeting space and clerical and administrative support services for the council.

(d) The council has the power to do the following:

(1) Advise the Department of Veterans' Affairs with respect to the fulfillment of its statutory duties.

(2) Review and study the issues and concerns that are most significant to Illinois veterans and advise the Department on those issues and concerns.

(3) Receive a report from the Director of Veterans' Affairs or the Director's designee at each meeting with respect to the general activities of the Department.

(4) Report to the Governor and the General Assembly annually describing the issues addressed and the actions taken by the council during the year as well as any recommendations for future action.

(e) The council established under this Section replaces any Illinois Veterans Advisory Council established under Executive Order No. 3 (1982).

[May 26, 2004]

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

**AMENDMENT NO. 2**

AMENDMENT NO. 2. Amend Senate Bill 2844, AS AMENDED, with reference to the page and line numbers of House Amendment No. 1, on page 1, in line 17, before the period, by inserting "preferably from a legislative or representative district in which a State-operated veterans home is located"; and

on page 1, by deleting lines 18 through 22; and

on page 2, in line 1, by changing "members" to "veterans"; and

on page 2, in line 3, by changing "member" to "veteran"; and

on page 2, in line 18, by changing "Director of Veterans' Affairs" to "appointing authority".

Under the rules, the foregoing **Senate Bill No. 2844**, 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. 2908

A bill for AN ACT concerning financial regulation.

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

House Amendment No. 1 to SENATE BILL NO. 2908

Passed the House, as amended, May 26, 2004.

MARK MAHONEY, Clerk of the House

**AMENDMENT NO. 1**

AMENDMENT NO. 1. Amend Senate Bill 2908 by replacing everything after the enacting clause with the following:

"Section 5. The Residential Mortgage License Act of 1987 is amended by changing Sections 1-3, 1-4, 1-5, 2-2, 2-6, 3-2, 3-4, 4-1, 4-2, 4-5, and 6-2 and by adding Section 4-8.3 as follows:

(205 ILCS 635/1-3) (from Ch. 17, par. 2321-3)

Sec. 1-3. Necessity for License; Scope of Act.

(a) No person, partnership, association, corporation or other entity shall engage in the business of brokering, funding, originating, servicing or purchasing of residential mortgage loans without first obtaining a license from the Commissioner in accordance with the licensing procedure provided in this Article I and such regulations as may be promulgated by the Commissioner. The licensing provisions of this Section shall not apply to any entity engaged solely in commercial mortgage lending or to any person, partnership association, corporation or other entity exempted pursuant to Section 1-4, subsection (d), of this Act or in accordance with regulations promulgated by the Commissioner hereunder.

(b) No person, partnership, association, corporation, or other entity except a licensee under this Act or an entity exempt from licensing pursuant to Section 1-4, subsection (d), of this Act shall do any business under any name or title, or circulate or use any advertising or make any representation or give any information to any person, which indicates or reasonably implies activity within the scope of this Act.

(c) The Commissioner may, through the Attorney General, request the circuit court of either Cook or Sangamon County to issue an injunction to restrain any person from violating or continuing to violate any of the foregoing provisions of this Section.

(d) When the Commissioner has reasonable cause to believe that any entity which has not submitted an application for licensure is conducting any of the activities described in subsection (a) hereof, the Commissioner shall have the power to examine all books and records of the entity and any additional documentation necessary in order to determine whether such entity should become licensed under this

[May 26, 2004]

Act.

(d-1) The Commissioner may issue orders against any person if the Commissioner has reasonable cause to believe that an unsafe, unsound, or unlawful practice has occurred, is occurring, or is about to occur, if any person has violated, is violating, or is about to violate any law, rule, or written agreement with the Commissioner, or for the purposes of administering the provisions of this Act and any rule adopted in accordance with this Act.

(e) Any person, partnership, association, corporation or other entity who violates any provision of this Section commits a business offense and shall be fined an amount not to exceed ~~\$25,000~~ ~~\$5,000~~.

(f) Each person, partnership, association, corporation or other entity conducting activities regulated by this Act shall be issued one license. Each office, place of business or location at which a residential mortgage licensee conducts any part of his or her business must be recorded with the Commissioner pursuant to Section 2-8 of this Act.

(g) Licensees under this Act shall solicit, broker, fund, originate, service and purchase residential mortgage loans only in conformity with the provisions of this Act and such rules and regulations as may be promulgated by the Commissioner.

(h) This Act applies to all entities doing business in Illinois as residential mortgage bankers, as defined by "An Act to provide for the regulation of mortgage bankers", approved September 15, 1977, as amended, regardless of whether licensed under that or any prior Act. Any existing residential mortgage lender or residential mortgage broker in Illinois whether or not previously licensed, must operate in accordance with this Act.

(i) This Act is a successor Act to and a continuance of the regulation of residential mortgage bankers provided in, "An Act to provide for the regulation of mortgage bankers", approved September 15, 1977, as amended.

Entities and persons subject to the predecessor Act shall be subject to this Act from and after its effective date.

(Source: P.A. 86-137; 87-642.)

(205 ILCS 635/1-4) (from Ch. 17, par. 2321-4)

Sec. 1-4. Definitions.

(a) "Residential real property" or "residential real estate" shall mean real property located in this State improved by a one-to-four family dwelling used or occupied, wholly or partly, as the home or residence of one or more persons and may refer, subject to regulations of the Commissioner, to unimproved real property upon which those kinds dwellings are to be constructed.

(b) "Making a residential mortgage loan" or "funding a residential mortgage loan" shall mean for compensation or gain, either directly or indirectly, advancing funds or making a commitment to advance funds to a loan applicant for a residential mortgage loan.

(c) "Soliciting, processing, placing, or negotiating a residential mortgage loan" shall mean for compensation or gain, either directly or indirectly, accepting or offering to accept an application for a residential mortgage loan, assisting or offering to assist in the processing of an application for a residential mortgage loan on behalf of a borrower, or negotiating or offering to negotiate the terms or conditions of a residential mortgage loan with a lender on behalf of a borrower including, but not limited to, the submission of credit packages for the approval of lenders, the preparation of residential mortgage loan closing documents, including a closing in the name of a broker.

(d) "Exempt person or entity" shall mean the following:

(1) (i) Any banking organization or foreign banking corporation licensed by the

Illinois Commissioner of Banks and Real Estate or the United States Comptroller of the Currency to transact business in this State; (ii) any national bank, federally chartered savings and loan association, federal savings bank, federal credit union; (iii) any pension trust, bank trust, or bank trust company; (iv) any bank, savings and loan association, savings bank, or credit union organized under the laws of this or any other state; (v) any Illinois Consumer Installment Loan Act licensee; (vi) any insurance company authorized to transact business in this State; (vii) any entity engaged solely in commercial mortgage lending; (viii) any service corporation of a savings and loan association or savings bank organized under the laws of this State or the service corporation of a federally chartered savings and loan association or savings bank having its principal place of business in this State, other than a service corporation licensed or entitled to reciprocity under the Real Estate License Act of 2000; or (ix) any first tier subsidiary of a bank, the charter of which is issued under the Illinois Banking Act by the Illinois Commissioner of Banks and Real Estate, or the first tier subsidiary of a bank chartered by the United States Comptroller of the Currency and that has its principal place of business in this State, provided that the first tier subsidiary is regularly examined by the Illinois Commissioner of Banks and Real Estate or the Comptroller of the Currency, or a consumer compliance examination is regularly

conducted by the Federal Reserve Board.

(1.5) Any employee of a person or entity mentioned in item (1) of this subsection.

(2) Any person or entity that does not originate mortgage loans in the ordinary course of business making or acquiring residential mortgage loans with his or her or its own funds for his or her or its own investment without intent to make, acquire, or resell more than 10 residential mortgage loans in any one calendar year.

(3) Any person employed by a licensee to assist in the performance of the activities regulated by this Act who is compensated in any manner by only one licensee.

(4) Any person licensed pursuant to the Real Estate License Act of 2000, who engages only in the taking of applications and credit and appraisal information to forward to a licensee or an exempt entity under this Act and who is compensated by either a licensee or an exempt entity under this Act, but is not compensated by either the buyer (applicant) or the seller.

(5) Any individual, corporation, partnership, or other entity that originates, services, or brokers residential mortgage loans, as these activities are defined in this Act, and who or which receives no compensation for those activities, subject to the Commissioner's regulations with regard to the nature and amount of compensation.

(6) A person who prepares supporting documentation for a residential mortgage loan application taken by a licensee and performs ministerial functions pursuant to specific instructions of the licensee who neither requires nor permits the preparer to exercise his or her discretion or judgment; provided that this activity is engaged in pursuant to a binding, written agreement between the licensee and the preparer that:

(A) holds the licensee fully accountable for the preparer's action; and

(B) otherwise meets the requirements of this Section and this Act, does not undermine the purposes of this Act, and is approved by the Commissioner.

(e) "Licensee" or "residential mortgage licensee" shall mean a person, partnership, association, corporation, or any other entity who or which is licensed pursuant to this Act to engage in the activities regulated by this Act.

(f) "Mortgage loan" "residential mortgage loan" or "home mortgage loan" shall mean a loan to or for the benefit of any natural person made primarily for personal, family, or household use, primarily secured by either a mortgage on residential real property or certificates of stock or other evidence of ownership interests in and proprietary leases from, corporations, partnerships, or limited liability companies formed for the purpose of cooperative ownership of residential real property, all located in Illinois.

(g) "Lender" shall mean any person, partnership, association, corporation, or any other entity who either lends or invests money in residential mortgage loans.

(h) "Ultimate equitable owner" shall mean a person who, directly or indirectly, owns or controls an ownership interest in a corporation, foreign corporation, alien business organization, trust, or any other form of business organization regardless of whether the person owns or controls the ownership interest through one or more persons or one or more proxies, powers of attorney, nominees, corporations, associations, partnerships, trusts, joint stock companies, or other entities or devices, or any combination thereof.

(i) "Residential mortgage financing transaction" shall mean the negotiation, acquisition, sale, or arrangement for or the offer to negotiate, acquire, sell, or arrange for, a residential mortgage loan or residential mortgage loan commitment.

(j) "Personal residence address" shall mean a street address and shall not include a post office box number.

(k) "Residential mortgage loan commitment" shall mean a contract for residential mortgage loan financing.

(l) "Party to a residential mortgage financing transaction" shall mean a borrower, lender, or loan broker in a residential mortgage financing transaction.

(m) "Payments" shall mean payment of all or any of the following: principal, interest and escrow reserves for taxes, insurance and other related reserves, and reimbursement for lender advances.

(n) "Commissioner" shall mean the Commissioner of Banks and Real Estate or a person authorized by the Commissioner, the Office of Banks and Real Estate Act, or this Act to act in the Commissioner's stead.

(o) "Loan brokering", "brokering", or "brokerage service" shall mean the act of helping to obtain from another entity, for a borrower, a loan secured by residential real estate situated in Illinois or assisting a borrower in obtaining a loan secured by residential real estate situated in Illinois in return for consideration to be paid by either the borrower or the lender including, but not limited to, contracting for



the delivery of residential mortgage loans to a third party lender and soliciting, processing, placing, or negotiating residential mortgage loans.

(p) "Loan broker" or "broker" shall mean a person, partnership, association, corporation, or limited liability company, other than those persons, partnerships, associations, corporations, or limited liability companies exempted from licensing pursuant to Section 1-4, subsection (d), of this Act, who performs the activities described in subsections (c) and (o) of this Section.

(q) "Servicing" shall mean the collection or remittance for or the right or obligation to collect or remit for any lender, noteowner, noteholder, or for a licensee's own account, of payments, interests, principal, and trust items such as hazard insurance and taxes on a residential mortgage loan in accordance with the terms of the residential mortgage loan; and includes loan payment follow-up, delinquency loan follow-up, loan analysis and any notifications to the borrower that are necessary to enable the borrower to keep the loan current and in good standing.

(r) "Full service office" shall mean office and staff in Illinois reasonably adequate to handle efficiently communications, questions, and other matters relating to any application for, or an existing home mortgage secured by residential real estate situated in Illinois with respect to which the licensee is brokering, funding originating, purchasing, or servicing. The management and operation of each full service office must include observance of good business practices such as adequate, organized, and accurate books and records; ample phone lines, hours of business, staff training and supervision, and provision for a mechanism to resolve consumer inquiries, complaints, and problems. The Commissioner shall issue regulations with regard to these requirements and shall include an evaluation of compliance with this Section in his or her periodic examination of each licensee.

(s) "Purchasing" shall mean the purchase of conventional or government-insured mortgage loans secured by residential real estate situated in Illinois from either the lender or from the secondary market.

(t) "Borrower" shall mean the person or persons who seek the services of a loan broker, originator, or lender.

(u) "Originating" shall mean the issuing of commitments for and funding of residential mortgage loans.

(v) "Loan brokerage agreement" shall mean a written agreement in which a broker or loan broker agrees to do either of the following:

- (1) obtain a residential mortgage loan for the borrower or assist the borrower in obtaining a residential mortgage loan; or
- (2) consider making a residential mortgage loan to the borrower.

(w) "Advertisement" shall mean the attempt by publication, dissemination, or circulation to induce, directly or indirectly, any person to enter into a residential mortgage loan agreement or residential mortgage loan brokerage agreement relative to a mortgage secured by residential real estate situated in Illinois.

(x) "Residential Mortgage Board" shall mean the Residential Mortgage Board created in Section 1-5 of this Act.

(y) "Government-insured mortgage loan" shall mean any mortgage loan made on the security of residential real estate insured by the Department of Housing and Urban Development or Farmers Home Loan Administration, or guaranteed by the Veterans Administration.

(z) "Annual audit" shall mean a certified audit of the licensee's books and records and systems of internal control performed by a certified public accountant in accordance with generally accepted accounting principles and generally accepted auditing standards.

(aa) "Financial institution" shall mean a savings and loan association, savings bank, credit union, or a bank organized under the laws of Illinois or a savings and loan association, savings bank, credit union or a bank organized under the laws of the United States and headquartered in Illinois.

(bb) "Escrow agent" shall mean a third party, individual or entity charged with the fiduciary obligation for holding escrow funds on a residential mortgage loan pending final payout of those funds in accordance with the terms of the residential mortgage loan.

(cc) "Net worth" shall have the meaning ascribed thereto in Section 3-5 of this Act.

(dd) "Affiliate" shall mean:

(1) any entity that directly controls or is controlled by the licensee and any other company that is directly affecting activities regulated by this Act that is controlled by the company that controls the licensee;

(2) any entity:

(A) that is controlled, directly or indirectly, by a trust or otherwise, by or for the benefit of shareholders who beneficially or otherwise control, directly or indirectly, by trust or otherwise, the licensee or any company that controls the licensee; or

- (B) a majority of the directors or trustees of which constitute a majority of the persons holding any such office with the licensee or any company that controls the licensee;
- (3) any company, including a real estate investment trust, that is sponsored and advised on a contractual basis by the licensee or any subsidiary or affiliate of the licensee.

The Commissioner may define by rule and regulation any terms used in this Act for the efficient and clear administration of this Act.

(ee) "First tier subsidiary" shall be defined by regulation incorporating the comparable definitions used by the Office of the Comptroller of the Currency and the Illinois Commissioner of Banks and Real Estate.

(ff) "Gross delinquency rate" means the quotient determined by dividing (1) the sum of (i) the number of government-insured residential mortgage loans funded or purchased by a licensee in the preceding calendar year that are delinquent and (ii) the number of conventional residential mortgage loans funded or purchased by the licensee in the preceding calendar year that are delinquent by (2) the sum of (i) the number of government-insured residential mortgage loans funded or purchased by the licensee in the preceding calendar year and (ii) the number of conventional residential mortgage loans funded or purchased by the licensee in the preceding calendar year.

(gg) "Delinquency rate factor" means the factor set by rule of the Commissioner that is multiplied by the average gross delinquency rate of licensees, determined annually for the immediately preceding calendar year, for the purpose of determining which licensees shall be examined by the Commissioner pursuant to subsection (b) of Section 4-8 of this Act.

(hh) "Loan originator" means any natural person who, for compensation or in the expectation of compensation, either directly or indirectly makes, offers to make, solicits, places, or negotiates a residential mortgage loan.

(ii) "Confidential supervisory information" means any report of examination, visitation, or investigation prepared by the Commissioner under this Act, any report of examination, visitation, or investigation prepared by the state regulatory authority of another state that examines a licensee, any document or record prepared or obtained in connection with or relating to any examination, visitation, or investigation, and any record prepared or obtained by the Commissioner to the extent that the record summarizes or contains information derived from any report, document, or record described in this subsection. "Confidential supervisory information" does not include any information or record routinely prepared by a licensee and maintained in the ordinary course of business or any information or record that is required to be made publicly available pursuant to State or federal law or rule.

(Source: P.A. 93-561, eff. 1-1-04.)

(205 ILCS 635/1-5) (from Ch. 17, par. 2321-5)

Sec. 1-5. Residential Mortgage Board.

(a) Board composition, compensation. There is created the Residential Mortgage Board composed of 5 members appointed by the Commissioner of Banks and Real Estate. The majority of persons on the Board shall have no financial interest in any residential mortgage business and one member shall be a representative of the Mortgage Banking Trade Association and one member shall be a representative of the Mortgage Broker Trade Association. Members of the Board serving on the effective date of this amendatory Act of 1996 shall continue to serve their unexpired terms as members of the Residential Mortgage Board. Thereafter, on or before January 15 of each year, the Commissioner shall appoint one or more board members, as shall be necessary to maintain a 5 member Board, whose terms shall be for 3 years commencing February 1 of the year in which they are respectively appointed.

If a vacancy occurs on the Residential Mortgage Board, the Commissioner shall within 60 days appoint a new member who shall hold office for the remainder of the vacated term.

The Board shall meet at the call of the chairman, who along with a Secretary, shall be selected by the Board from among its members.

~~Members of the Board shall be entitled to receive a per diem allowance of \$25 for each day or part of a day spent on Board work and shall be entitled to their expenses actually and necessarily incurred in the performance of their duties.~~ The members of the Board serve at the pleasure of the Commissioner.

(b) Duties of Board. The Residential Mortgage Board shall assist the Commissioner by:

- (1) submitting recommendations to the Commissioner for the efficient administration of this Act; and
- (2) performing other duties as are prescribed by the Commissioner.

(c) Conflict of interest declarations. Each member of the Residential Mortgage Board shall file annually, no later than February 1, with the Commissioner a statement of his or her current business transactions or other affiliations with any licensee under this Act. The Commissioner may adopt rules to avoid conflicts of interest on the part of members of the Residential Mortgage Board in connection with

their position on the Board.

(Source: P.A. 89-355, eff. 8-17-95; 89-508, eff. 7-3-96.)

(205 ILCS 635/2-2) (from Ch. 17, par. 2322-2)

Sec. 2-2. Application process; investigation; fee.

(a) The Commissioner shall issue a license upon completion of all of the following:

(1) The filing of an application for license.

(2) The filing with the Commissioner of a listing of judgments entered against, and bankruptcy petitions by, the license applicant for the preceding 10 years.

(3) The payment, in certified funds, of investigation and application fees, the total of which shall be in an amount equal to \$2,700 annually, however, the Commissioner may increase the investigation and application fees by rule as provided in Section 4-11.

(4) Except for a broker applying to renew a license, the filing of an audited balance sheet including all footnotes prepared by a certified public accountant in accordance with generally accepted accounting principles and generally accepted auditing principles which evidences that the applicant meets the net worth requirements of Section 3-5.

(5) The filing of proof satisfactory to the Commissioner that the applicant, the members thereof if the applicant is a partnership or association, the members or managers thereof that retain any authority or responsibility under the operating agreement if the applicant is a limited liability company, or the officers thereof if the applicant is a corporation have 3 years experience preceding application in real estate finance. Instead of this requirement, the applicant and the applicant's officers or members, as applicable, may satisfactorily complete a program of education in real estate finance and fair lending, as approved by the Commissioner, prior to receiving the initial license. The Commissioner shall promulgate rules regarding proof of experience requirements and educational requirements and the satisfactory completion of those requirements. The Commissioner may establish by rule a list of duly licensed professionals and others who may be exempt from this requirement.

(6) An investigation of the averments required by Section 2-4, which investigation must allow the Commissioner to issue positive findings stating that the financial responsibility, experience, character, and general fitness of the license applicant and of the members thereof if the license applicant is a partnership or association, of the officers and directors thereof if the license applicant is a corporation, and of the managers and members that retain any authority or responsibility under the operating agreement if the license applicant is a limited liability company are such as to command the confidence of the community and to warrant belief that the business will be operated honestly, fairly and efficiently within the purpose of this Act. If the Commissioner shall not so find, he or she shall not issue such license, and he or she shall notify the license applicant of the denial.

The Commissioner may impose conditions on a license if the Commissioner determines that the conditions are necessary or appropriate. These conditions shall be imposed in writing and shall continue in effect for the period prescribed by the Commissioner.

(b) All licenses shall be issued in duplicate with one copy being transmitted to the license applicant and the second being retained with the Commissioner.

Upon receipt of such license, a residential mortgage licensee shall be authorized to engage in the business regulated by this Act. Such license shall remain in full force and effect until it expires without renewal, is surrendered by the licensee or revoked or suspended as hereinafter provided.

(Source: P.A. 93-32, eff. 7-1-03.)

(205 ILCS 635/2-6) (from Ch. 17, par. 2322-6)

Sec. 2-6. License issuance and renewal; fee.

(a) Beginning July 1, 2003, licenses shall be renewed every year on the anniversary of the date of issuance of the original license. Properly completed renewal application forms and filing fees must be received by the Commissioner 60 days prior to the renewal date.

(b) It shall be the responsibility of each licensee to accomplish renewal of its license; failure of the licensee to receive renewal forms absent a request sent by certified mail for such forms will not waive said responsibility. Failure by a licensee to submit a properly completed renewal application form and fees in a timely fashion, absent a written extension from the Commissioner, will result in the assessment of additional fees, as follows:

(1) A fee of \$750 will be assessed to the licensee 30 days after the proper renewal

date and \$1,500 each month thereafter, until the license is either renewed or expires pursuant to Section 2-6, subsections (c) and (d), of this Act.

(2) Such fee will be assessed without prior notice to the licensee, but will be

assessed only in cases wherein the Commissioner has in his or her possession documentation of the

licensee's continuing activity for which the unrenewed license was issued.

(c) A license which is not renewed by the date required in this Section shall automatically become inactive. No activity regulated by this Act shall be conducted by the licensee when a license becomes inactive. The Commissioner may require the licensee to provide a plan for the disposition of any residential mortgage loans not closed or funded when the license becomes inactive. The Commissioner may allow a licensee with an inactive license to conduct activities regulated by this Act for the sole purpose of assisting borrowers in the closing or funding of loans for which the loan application was taken from a borrower while the license was active. An inactive license may be reactivated by ~~filing a completed reactivation application with~~ the Commissioner upon payment of a reactivation fee equal to the renewal fee.

(d) A license which is not renewed within one year of becoming inactive shall expire.

(e) A licensee ceasing an activity or activities regulated by this Act and desiring to no longer be licensed shall so inform the Commissioner in writing and, at the same time, convey the license and all other symbols or indicia of licensure. The licensee shall include a plan for the withdrawal from regulated business, including a timetable for the disposition of the business. Upon receipt of such written notice, the Commissioner shall issue a certified statement canceling the license.

(Source: P.A. 93-32, eff. 7-1-03; 93-561, eff. 1-1-04; revised 9-23-03.)

(205 ILCS 635/3-2) (from Ch. 17, par. 2323-2)

Sec. 3-2. Annual audit.

(a) At the licensee's fiscal year-end, but in no case more than 12 months after the last audit conducted pursuant to this Section, except as otherwise provided in this Section, it shall be mandatory for each residential mortgage licensee to cause its books and accounts to be audited by a certified public accountant not connected with such licensee. The books and records of all licensees under this Act shall be maintained on an accrual basis. The audit must be sufficiently comprehensive in scope to permit the expression of an opinion on the financial statements, which must be prepared in accordance with generally accepted accounting principles, and must be performed in accordance with generally accepted auditing standards. Notwithstanding the requirements of this subsection, a licensee that is a first tier subsidiary may submit audited consolidated financial statements of its parent as long as the consolidated statements are supported by consolidating statements. The licensee's chief financial officer shall attest to the licensee's financial statements disclosed in the consolidating statements.

(b) As used herein, the term "expression of opinion" includes either (1) an unqualified opinion, (2) a qualified opinion, (3) a disclaimer of opinion, or (4) an adverse opinion.

(c) If a qualified or adverse opinion is expressed or if an opinion is disclaimed, the reasons therefore must be fully explained. An opinion, qualified as to a scope limitation, shall not be acceptable.

(d) The most recent audit report shall be filed with the Commissioner within 90 days after the end of the licensee's fiscal year. The report filed with the Commissioner shall be certified by the certified public accountant conducting the audit. The Commissioner may promulgate rules regarding late audit reports.

(e) If any licensee required to make an audit shall fail to cause an audit to be made, the Commissioner shall cause the same to be made by a certified public accountant at the licensee's expense. The Commissioner shall select such certified public accountant by advertising for bids or by such other fair and impartial means as he or she establishes by regulation.

(f) In lieu of the audit or compilation financial statement required by this Section, a licensee shall submit and the Commissioner may accept any audit made in conformance with the audit requirements of the U.S. Department of Housing and Urban Development.

(g) With respect to licensees who solely broker residential mortgage loans as defined in subsection (o) of Section 1-4, instead of the audit required by this Section, the Commissioner may accept compilation financial statements prepared at least every 12 months, and the compilation financial statement must be prepared by an independent certified public accountant licensed under the Illinois Public Accounting Act or by an equivalent state licensing law with full disclosure in accordance with generally accepted accounting principals and must be submitted within 90 days after the end of the licensee's fiscal year. If a licensee under this Section fails to file a compilation as required, the Commissioner shall cause an audit of the licensee's books and accounts to be made by a certified public accountant at the licensee's expense. The Commissioner shall select the certified public accountant by advertising for bids or by such other fair and impartial means as he or she establishes by rule. A licensee who files false or misleading compilation financial statements is guilty of a business offense and shall be fined not less than \$5,000.

(h) The workpapers of the certified public accountants employed by each licensee for purposes of this Section are to be made available to the Commissioner or the Commissioner's designee upon request and may be reproduced by the Commissioner or the Commissioner's designee to enable to the Commissioner to carry out the purposes of this Act.

(i) Notwithstanding any other provision of this Section, if a licensee relying on subsection (g) of this Section causes its books to be audited at any other time or causes its financial statements to be reviewed, a complete copy of the audited or reviewed financial statements shall be delivered to the Commissioner at the time of the annual license renewal payment following receipt by the licensee of the audited or reviewed financial statements. All workpapers shall be made available to the Commissioner upon request. The financial statements and workpapers may be reproduced by the Commissioner or the Commissioner's designee to carry out the purposes of this Act.

(Source: P.A. 93-561, eff. 1-1-04.)

(205 ILCS 635/3-4) (from Ch. 17, par. 2323-4)

Sec. 3-4. Office and staff within the State.

(a) A licensee whose principal place of business is located in the State of Illinois shall maintain at least one full service office with staff reasonably adequate to handle efficiently communications, questions, and all other matters relating to any application for a home mortgage or an existing home mortgage with respect to which such licensee is performing services, regardless of kind, for any borrower or lender, note owner or holder, or for himself or herself while engaged in the residential mortgage business. The location and operation of a full service office shall be in compliance with any applicable zoning laws or ordinances and home office or business regulations.

(b) In lieu of maintaining a full service office in the State of Illinois, a licensee whose principal place of business is located outside the State of Illinois must submit a certified audit as required in Section 3-2 of this Act evidencing a minimum net worth of \$100,000, which must be maintained at all times, and shall submit and maintain a fidelity bond in the amount of \$100,000.

(Source: P.A. 89-355, eff. 8-17-95; 90-301, eff. 8-1-97; 90-772, eff. 1-1-99.)

(205 ILCS 635/4-1) (from Ch. 17, par. 2324-1)

Sec. 4-1. Commissioner of Banks and Real Estate; functions, powers, and duties. The functions, powers, and duties of the Commissioner of Banks and Real Estate shall include the following:

- (a) To issue or refuse to issue any license as provided by this Act;
- (b) To revoke or suspend for cause any license issued under this Act;
- (c) To keep records of all licenses issued under this Act;
- (d) To receive, consider, investigate, and act upon complaints made by any person in connection with any residential mortgage licensee in this State;
- (e) To consider and act upon any recommendations from the Residential Mortgage Board;
- (f) To prescribe the forms of and receive:
  - (1) applications for licenses; and
  - (2) all reports and all books and records required to be made by any licensee under this Act, including annual audited financial statements and annual reports of mortgage activity;
- (g) To adopt rules and regulations necessary and proper for the administration of this Act;
- (h) To subpoena documents and witnesses and compel their attendance and production, to administer oaths, and to require the production of any books, papers, or other materials relevant to any inquiry authorized by this Act;

(h-1) To issue orders against any person, if the Commissioner has reasonable cause to believe that an unsafe, unsound, or unlawful practice has occurred, is occurring, or is about to occur, if any person has violated, is violating, or is about to violate any law, rule, or written agreement with the Commissioner, or for the purpose of administering the provisions of this Act and any rule adopted in accordance with the Act;

(h-2) To address any inquiries to any licensee, or the officers thereof, in relation to its activities and conditions, or any other matter connected with its affairs, and it shall be the duty of any licensee or person so addressed, to promptly reply in writing to such inquiries. The Commissioner may also require reports from any licensee at any time the Commissioner may deem desirable;

(i) To require information with regard to any license applicant as he or she may deem desirable, with due regard to the paramount interests of the public as to the experience, background, honesty, truthfulness, integrity, and competency of the license applicant as to financial transactions involving primary or subordinate mortgage financing, and where the license applicant is an entity other than an individual, as to the honesty, truthfulness, integrity, and competency of any officer or director of the corporation, association, or other entity, or the members of a partnership;

(j) To examine the books and records of every licensee under this Act at intervals as specified in Section 4-2;

(k) To enforce provisions of this Act;

(l) To levy fees, fines, and charges for services performed in administering this Act; the aggregate of all fees collected by the Commissioner on and after the effective date of this Act shall be paid promptly

after receipt of the same, accompanied by a detailed statement thereof, into the Savings and Residential Finance Regulatory Fund; the amounts deposited into that Fund shall be used for the ordinary and contingent expenses of the Office of Banks and Real Estate. Nothing in this Act shall prevent continuing the practice of paying expenses involving salaries, retirement, social security, and State-paid insurance of State officers by appropriation from the General Revenue Fund.

(m) To appoint examiners, supervisors, experts, and special assistants as needed to effectively and efficiently administer this Act; ~~and~~

(n) To conduct hearings for the purpose of:

- (1) appeals of orders of the Commissioner;
- (2) suspensions or revocations of licenses, or fining of licensees;
- (3) investigating:
  - (i) complaints against licensees; or
  - (ii) annual gross delinquency rates; and
- (4) carrying out the purposes of this Act; -

(o) To exercise exclusive visitorial power over a licensee unless otherwise authorized by this Act or as vested in the courts, or upon prior consultation with the Commissioner, a foreign residential mortgage regulator with an appropriate supervisory interest in the parent or affiliate of a licensee;

(p) To enter into cooperative agreements with state regulatory authorities of other states to provide for examination of corporate offices or branches of those states and to accept reports of such examinations;

(q) To assign an examiner or examiners to monitor the affairs of a licensee with whatever frequency the Commissioner determines appropriate and to charge the licensee for reasonable and necessary expenses of the Commissioner, if in the opinion of the Commissioner an emergency exists or appears likely to occur; and

(r) To impose civil penalties of up to \$50 per day against a licensee for failing to respond to a regulatory request or reporting requirement.

(Source: P.A. 89-355, eff. 8-17-95; 89-508, eff. 7-3-96.)

(205 ILCS 635/4-2) (from Ch. 17, par. 2324-2)

Sec. 4-2. Examination; prohibited activities.

(a) The business affairs of a licensee under this Act shall be examined for compliance with this Act as often as the Commissioner deems necessary and proper. The Commissioner shall promulgate rules with respect to the frequency and manner of examination. The Commissioner shall appoint a suitable person to perform such examination. The Commissioner and his appointees may examine the entire books, records, documents, and operations of each licensee and may examine any of the licensee's officers, directors, employees and agents under oath.

(b) The Commissioner shall prepare a sufficiently detailed report of each licensee's examination, shall issue a copy of such report to each licensee's principals, officers, or directors and shall take appropriate steps to ensure correction of violations of this Act.

(c) Affiliates of a licensee shall be subject to examination by the Commissioner on the same terms as the licensee, but only when reports from, or examination of a licensee provides for documented evidence of unlawful activity between a licensee and affiliate benefiting, affecting or deriving from the activities regulated by this Act.

(d) The expenses of any examination of the licensee and affiliates shall be borne by the licensee and assessed by the Commissioner as established by regulation.

(e) Upon completion of the examination, the Commissioner shall issue a report to the licensee. All confidential supervisory information, including the ~~The~~ examination report, and the work papers of the report  ~~shall~~  shall belong to the Commissioner's office and may not be disclosed to anyone other than the licensee, law enforcement officials or other regulatory agencies that have an appropriate regulatory interest as determined by the Commissioner  ~~shall be defined in rules promulgated by the Commissioner,~~ or to a party presenting a lawful subpoena to the Office of the Commissioner. The Commissioner may immediately appeal to the court of jurisdiction the disclosure of such confidential supervisory information and seek a stay of the subpoena pending the outcome of the appeal. Reports required of licensees by the Commissioner under this Act and results of examinations performed by the Commissioner under this Act shall be the property of only ~~the licensee and~~ the Commissioner, but may be shared with the licensee. Access under this Act to the books and records of each licensee shall be limited to the Commissioner and his agents as provided in this Act and to the licensee and its authorized agents and designees. No other person shall have access to the books and records of a licensee under this Act. Any person upon whom a demand for production of confidential supervisory information is made, whether by subpoena, order, or other judicial or administrative process, must withhold production of the confidential supervisory information and must notify the Commissioner of the demand, at which time

the Commissioner is authorized to intervene for the purpose of enforcing the limitations of this Section or seeking the withdrawal or termination of the attempt to compel production of the confidential supervisory information. The Commissioner may impose any conditions and limitations on the disclosure of confidential supervisory information that are necessary to protect the confidentiality of such information. Except as authorized by the Commissioner, no person obtaining access to confidential supervisory information may make a copy of the confidential supervisory information. The Commissioner may condition a decision to disclose confidential supervisory information on entry of a protective order by the court or administrative tribunal presiding in the particular case or on a written agreement of confidentiality. In a case in which a protective order or agreement has already been entered between parties other than the Commissioner, the Commissioner may nevertheless condition approval for release of confidential supervisory information upon the inclusion of additional or amended provisions in the protective order. The Commissioner may authorize a party who obtained the records for use in one case to provide them to another party in another case, subject to any conditions that the Commissioner may impose on either or both parties. The requestor shall promptly notify other parties to a case of the release of confidential supervisory information obtained and, upon entry of a protective order, shall provide copies of confidential supervisory information to the other parties.

(f) The Commissioner, deputy commissioners, and employees of the Office of Banks and Real Estate shall be subject to the restrictions provided in Section 2.5 of the Office of Banks and Real Estate Act including, without limitation, the restrictions on (i) owning shares of stock or holding any other equity interest in an entity regulated under this Act or in any corporation or company that owns or controls an entity regulated under this Act; (ii) being an officer, director, employee, or agent of an entity regulated under this Act; and (iii) obtaining a loan or accepting a gratuity from an entity regulated under this Act.

(g) After the initial examination for those licensees whose only mortgage activity is servicing fewer than 1,000 Illinois residential loans, the examination required in subsection (a) may be waived upon submission of a letter from the licensee's independent certified auditor that the licensee serviced fewer than 1,000 Illinois residential loans during the year in which the audit was performed.

(Source: P.A. 90-301, eff. 8-1-97; 91-586, eff. 8-14-99.)

(205 ILCS 635/4-5) (from Ch. 17, par. 2324-5)

Sec. 4-5. Suspension, revocation of licenses; fines.

(a) Upon written notice to a licensee, the Commissioner may suspend or revoke any license issued pursuant to this Act if he or she shall make a finding of one or more of the following in the notice that:

(1) Through separate acts or an act or a course of conduct, the licensee has violated any provisions of this Act, any rule or regulation promulgated by the Commissioner or of any other law, rule or regulation of this State or the United States.

(2) Any fact or condition exists which, if it had existed at the time of the original application for such license would have warranted the Commissioner in refusing originally to issue such license.

(3) If a licensee is other than an individual, any ultimate equitable owner, officer, director, or member of the licensed partnership, association, corporation, or other entity has so acted or failed to act as would be cause for suspending or revoking a license to that party as an individual.

(b) No license shall be suspended or revoked, except as provided in this Section, nor shall any licensee be fined without notice of his or her right to a hearing as provided in Section 4-12 of this Act.

(c) The Commissioner, on good cause shown that an emergency exists, may suspend any license for a period not exceeding 180 days, pending investigation. Upon a showing that a licensee has failed to meet the experience or educational requirements of Section 2-2 or the requirements of subsection (g) of Section 3-2, the Commissioner shall suspend, prior to hearing as provided in Section 4-12, the license until those requirements have been met.

(d) The provisions of subsection (e) of Section 2-6 of this Act shall not affect a licensee's civil or criminal liability for acts committed prior to surrender of a license.

(e) No revocation, suspension or surrender of any license shall impair or affect the obligation of any pre-existing lawful contract between the licensee and any person.

(f) Every license issued under this Act shall remain in force and effect until the same shall have expired without renewal, have been surrendered, revoked or suspended in accordance with the provisions of this Act, but the Commissioner shall have authority to reinstate a suspended license or to issue a new license to a licensee whose license shall have been revoked if no fact or condition then exists which would have warranted the Commissioner in refusing originally to issue such license under this Act.

(g) Whenever the Commissioner shall revoke or suspend a license issued pursuant to this Act or fine a licensee under this Act, he or she shall forthwith execute in duplicate a written order to that effect. The

Commissioner shall publish notice of such order in the Illinois Register and post notice of the order on an agency Internet site maintained by the Commissioner ~~a newspaper of general circulation in the county in which the license is located~~ and shall forthwith serve a copy of such order upon the licensee. Any such order may be reviewed in the manner provided by Section 4-12 of this Act.

(h) When the Commissioner finds any person in violation of the grounds set forth in subsection (i), he or she may enter an order imposing one or more of the following penalties:

- (1) Revocation of license;
- (2) Suspension of a license subject to reinstatement upon satisfying all reasonable conditions the Commissioner may specify;
- (3) Placement of the licensee or applicant on probation for a period of time and subject to all reasonable conditions as the Commissioner may specify;
- (4) Issuance of a reprimand;
- (5) Imposition of a fine not to exceed \$25,000 for each count of separate offense; and
- (6) Denial of a license.

(i) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (h) above may be taken:

- (1) Being convicted or found guilty, regardless of pendency of an appeal, of a crime in any jurisdiction which involves fraud, dishonest dealing, or any other act of moral turpitude;
- (2) Fraud, misrepresentation, deceit or negligence in any mortgage financing transaction;

- (3) A material or intentional misstatement of fact on an initial or renewal application;
- (4) Failure to follow the Commissioner's regulations with respect to placement of funds in escrow accounts;

- (5) Insolvency or filing under any provision of the Bankruptcy Code as a debtor;

(6) Failure to account or deliver to any person any property such as any money, fund, deposit, check, draft, mortgage, or other document or thing of value, which has come into his or her hands and which is not his or her property or which he or she is not in law or equity entitled to retain, under the circumstances and at the time which has been agreed upon or is required by law or, in the absence of a fixed time, upon demand of the person entitled to such accounting and delivery;

- (7) Failure to disburse funds in accordance with agreements;

- (8) Any misuse, misapplication, or misappropriation of trust funds or escrow funds;

(9) Having a license, or the equivalent, to practice any profession or occupation revoked, suspended, or otherwise acted against, including the denial of licensure by a licensing authority of this State or another state, territory or country for fraud, dishonest dealing or any other act of moral turpitude;

(10) Failure to issue a satisfaction of mortgage when the residential mortgage has been executed and proceeds were not disbursed to the benefit of the mortgagor and when the mortgagor has fully paid licensee's costs and commission;

- (11) Failure to comply with any order of the Commissioner or rule made or issued under the provisions of this Act;

- (12) Engaging in activities regulated by this Act without a current, active license unless specifically exempted by this Act;

- (13) Failure to pay in a timely manner any fee, charge or fine under this Act;

(14) Failure to maintain, preserve, and keep available for examination, all books, accounts or other documents required by the provisions of this Act and the rules of the Commissioner;

(15) Refusal to permit an investigation or examination of the licensee's or its affiliates' books and records or refusal to comply with the Commissioner's subpoena or subpoena duces tecum;

- (16) A pattern of substantially underestimating the maximum closing costs;

- (17) Failure to comply with or violation of any provision of this Act.

(j) A licensee shall be subject to the disciplinary actions specified in this Act for violations of subsection (i) by any officer, director, shareholder, joint venture, partner, ultimate equitable owner, or employee of the licensee.

(k) Such licensee shall be subject to suspension or revocation for employee actions only if there is a pattern of repeated violations by employees or the licensee has knowledge of the violations.

- (l) Procedure for surrender of license:

(1) The Commissioner may, after 10 days notice by certified mail to the licensee at the address set forth on the license, stating the contemplated action and in general the grounds therefor and the date, time and place of a hearing thereon, and after providing the licensee with a reasonable



opportunity to be heard prior to such action, fine such licensee an amount not exceeding \$25,000 ~~\$10,000~~ per violation, or revoke or suspend any license issued hereunder if he or she finds that:

(i) The licensee has failed to comply with any provision of this Act or any order, decision, finding, rule, regulation or direction of the Commissioner lawfully made pursuant to the authority of this Act; or

(ii) Any fact or condition exists which, if it had existed at the time of the original application for the license, clearly would have warranted the Commissioner in refusing to issue the license.

(2) Any licensee may surrender a license by delivering to the Commissioner written notice that he or she thereby surrenders such license, but surrender shall not affect the licensee's civil or criminal liability for acts committed prior to surrender or entitle the licensee to a return of any part of the license fee.

(Source: P.A. 93-561, eff. 1-1-04.)

(205 ILCS 635/4-8.3 new)

Sec. 4-8.3. Annual report of mortgage and servicing activity. On or before March 1 of each year, each licensee, except residential mortgage brokers, shall file a report with the Commissioner that shall disclose such information as the Commissioner requires. Exempt entities as defined in subsection (d) of Section 1-4 shall not file the annual report of mortgage and servicing activity required by this Section.

(205 ILCS 635/6-2) (from Ch. 17, par. 2326-2)

Sec. 6-2. Removal and prohibition.

(a) Upon making any one or more of the following findings, the Commissioner may issue a notice of intent to issue an order of removal or prohibition, or an order of removal and prohibition, which order may remove a named person, persons, or entity or entities from participating in the affairs of one or more licensees and may be permanent or for a specific shorter period of time. The findings required under this Section may be any one or more of the following:

(1) A finding that the party or entity subject to the order has been convicted of a crime involving material financial loss to a licensee, a federally insured depository institution, a government sponsored enterprise, a Federal Home Loan Bank, a Federal Reserve Bank, or any other person.

(2) A finding that the person or entity subject to the order has submitted or caused to be submitted any document that contains multiple willful and material misstatements of facts, and that includes the signature of the person or entity specified in the Commissioner's order, or that is notarized, certified, verified or is in any other way attested to, as to its veracity. An application for licensure or license renewal may be considered such a document.

(3) Conviction of a business offense under subsection (e) of Section 1-3 or subsection (g) of Section 3-2.

(4) A finding prepared by a hearing officer pursuant to a hearing held under Section 4-1(n) of this Act that the person subject to the order, while an employee of a licensee, has knowingly submitted or caused to be submitted any document that contains willful and material misstatement of facts and which is used in connection with any licensable activity as defined in Section 1-3(a) of this Act.

(b) Whenever, in the opinion of the Commissioner, any director, officer, or employee of a licensee shall have violated any law, rule, or order relating to that licensee or shall have obstructed or impeded any examination or investigation by the Commissioner, shall have engaged in an unsafe, unsound, or unlawful practice in conducting the business of the licensee, or shall have violated any law or engaged or participated in any unsafe, unsound or unlawful practice in connection with any licensee or other business entity such that the character and fitness of the director, officer, or employee does not assure reasonable promise of safe, sound, and lawful operation of the licensee, the Commissioner may issue an order of removal. If, in the opinion of the Commissioner, any former director, officer, or employee of a licensee, prior to the termination of his or her service with that licensee, violated any law, rule, or order relating to that licensee, obstructed or impeded any examination or investigation by the Commissioner, engaged in an unsafe or unsound practice in conducting the business of that licensee or any subsidiary or holding company of the licensee, or violated any law or engaged or participated in any unsafe, unsound, or unlawful practice in connection with any financial institution or other business entity such that the character and fitness of the director, officer, or employee would not have assured reasonable promise of safe, sound, and lawful operation of the licensee, the Commissioner may issue an order prohibiting that person from further service with a licensee as a director, officer, or employee. An order issued pursuant to this subsection shall be served upon the director, officer, or employee. A copy of the order shall be sent to each owner or director of the licensee affected by registered mail. The person affected by the

action may make a request to the Commissioner for a hearing pursuant to Section 4-1(n) within 10 days after receipt of the order. The hearing shall be held before a hearing officer within 30 days after the request has been received by the Commissioner. The hearing officer shall prepare a finding and report the same to the Commissioner who shall consider the finding in making his determination approving, modifying, or disapproving his order as a final administrative decision. If a hearing is held before a hearing officer, the Commissioner shall make his determination within 60 days from the conclusion of the hearing. Any person affected by a decision of the Commissioner under this subsection (b) may have the decision reviewed only under and in accordance with the Administrative Review Law and the rules adopted pursuant thereto. A copy of the order shall also be served upon the licensee of which he is a director, officer, or employee, whereupon he shall cease to be a director, officer, or employee of that licensee. The Commissioner may institute a civil action against the director, officer, or employee of the licensee to enforce compliance with or to enjoin any violation of the terms of the order. Any person who has been the subject of an order of removal or an order of prohibition issued by the Commissioner under this subsection may not thereafter serve as director, officer, or employee of any licensee, or of any other entity that is subject to licensure or regulation by the Commissioner unless the Commissioner has granted prior approval in writing.  
(Source: P.A. 89-355, eff. 8-17-95; 90-772, eff. 1-1-99.)".

Under the rules, the foregoing **Senate Bill No. 2908**, 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. 2944

A bill for AN ACT concerning public health.

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

House Amendment No. 1 to SENATE BILL NO. 2944

Passed the House, as amended, May 26, 2004.

MARK MAHONEY, Clerk of the House

#### AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 2944 on page 1, by replacing lines 8 through 15 with the following:

"(a) As used in this Section, "potluck event" means an event that meets all of the following conditions:

- (1) People are gathered to share food at the event.
- (2) There is no compensation provided to people for bringing food to the event.
- (3) There is no charge for any food or beverage provided at the event.
- (4) The event is not conducted for commercial purposes.
- (5) It is generally understood by the participants at the event that neither the food nor the facilities have been inspected by the State or a local certified public health department.
- (6) The event is not held on public property."

Under the rules, the foregoing **Senate Bill No. 2944**, 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. 3064

A bill for AN ACT concerning elections.

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. 3064

Passed the House, as amended, May 26, 2004.

[May 26, 2004]

MARK MAHONEY, Clerk of the House

**AMENDMENT NO. 1**

AMENDMENT NO. 1. Amend Senate Bill 3064 by replacing everything after the enacting clause with the following:

"Section 5. The Election Code is amended by changing Section 28-1 and by adding Section 28-14 as follows:

(10 ILCS 5/28-1) (from Ch. 46, par. 28-1)

Sec. 28-1. The initiation and submission of all public questions to be voted upon by the electors of the State or of any political subdivision or district or precinct or combination of precincts shall be subject to the provisions of this Article.

Questions of public policy which have any legal effect shall be submitted to referendum only as authorized by a statute which so provides or by the Constitution. Advisory questions of public policy shall be submitted to referendum pursuant to Section 28-5 or pursuant to a statute which so provides.

The method of initiating the submission of a public question shall be as provided by the statute authorizing such public question, or as provided by the Constitution.

All public questions shall be initiated, submitted and printed on the ballot in the form required by Section 16-7 of this Act, except as may otherwise be specified in the statute authorizing a public question.

Whenever a statute provides for the initiation of a public question by a petition of electors, the provisions of such statute shall govern with respect to the number of signatures required, the qualifications of persons entitled to sign the petition, the contents of the petition, the officer with whom the petition must be filed, and the form of the question to be submitted. If such statute does not specify any of the foregoing petition requirements, the corresponding petition requirements of Section 28-6 shall govern such petition.

Irrespective of the method of initiation, not more than 3 public questions other than (a) back door referenda, (b) referenda to determine whether a disconnection may take place where a city coterminous with a township is proposing to annex territory from an adjacent township, (c) referenda held under the provisions of the Property Tax Extension Limitation Law in the Property Tax Code, or (d) referenda held under Section 2-3002 of the Counties Code may be submitted to referendum with respect to a political subdivision at the same election.

If more than 3 propositions are timely initiated or certified for submission at an election with respect to a political subdivision, the first 3 validly initiated, by the filing of a petition or by the adoption of a resolution or ordinance of a political subdivision, as the case may be, shall be printed on the ballot and submitted at that election. However, except as expressly authorized by law not more than one proposition to change the form of government of a municipality pursuant to Article VII of the Constitution may be submitted at an election. If more than one such proposition is timely initiated or certified for submission at an election with respect to a municipality, the first validly initiated shall be the one printed on the ballot and submitted at that election.

No public question shall be submitted to the voters of a political subdivision at any regularly scheduled election at which such voters are not scheduled to cast votes for any candidates for nomination for, election to or retention in public office, except that if, in any existing or proposed political subdivision in which the submission of a public question at a regularly scheduled election is desired, the voters of only a portion of such existing or proposed political subdivision are not scheduled to cast votes for nomination for, election to or retention in public office at such election, but the voters in one or more other portions of such existing or proposed political subdivision are scheduled to cast votes for nomination for, election to or retention in public office at such election, the public question shall be voted upon by all the qualified voters of the entire existing or proposed political subdivision at the election.

Not more than 3 advisory public questions may be submitted to the voters of the entire state at a general election. If more than 3 such advisory propositions are initiated, the first 3 timely and validly initiated shall be the questions printed on the ballot and submitted at that election; provided however, that a question for a proposed amendment to Article IV of the Constitution pursuant to Section 3, Article XIV of the Constitution, ~~or for~~ a question submitted under the Property Tax Cap Referendum Law, or a question submitted under Section 28-14 of this Code shall not be included in the foregoing limitation.

(Source: P.A. 93-308, eff. 7-23-03.)

(10 ILCS 5/28-14 new)

[May 26, 2004]

Sec. 28-14. Treatment-on-demand referendum.

(a) An advisory referendum on the following question shall be held in every county at the general election in 2004:

"Shall the Illinois State Government provide adequate funding for comprehensive and appropriate substance abuse treatment for any Illinois State resident requesting services from a licensed provider, community-based organization, or medical care facility within the State?"

Votes shall be recorded as "Yes" or "No".

(b) The State Board of Elections shall certify the question to the proper election officials who shall submit the question in accordance with the general election law.

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

Under the rules, the foregoing **Senate Bill No. 3064**, 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. 3077

A bill for AN ACT concerning mortgages.

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. 3077

Passed the House, as amended, May 26, 2004.

MARK MAHONEY, Clerk of the House

**AMENDMENT NO. 1**

AMENDMENT NO. 1. Amend Senate Bill 3077 by replacing everything after the enacting clause with the following:

"Section 5. The Mortgage Insurance Limitation and Notification Act is amended by adding Section 17 as follows:

(765 ILCS 930/17 new)

Sec. 17. Insurance coverage.

(a) No lender shall require a borrower, as a condition of receiving or maintaining a loan secured by real property, to provide hazard insurance coverage against risks to the improvements on that real property in an amount exceeding the replacement value of the improvements on the property.

(b) Any person harmed by a violation of this Section shall be entitled to obtain injunctive relief and may recover damages and reasonable attorney's fees and costs.

(c) A violation of this Section does not affect the validity of the loan, note secured by a deed of trust, mortgage, or deed of trust.

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

Under the rules, the foregoing **Senate Bill No. 3077**, 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. 3111

A bill for AN ACT concerning animals.

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. 3111

Passed the House, as amended, May 26, 2004.

[May 26, 2004]

MARK MAHONEY, Clerk of the House

**AMENDMENT NO. 1**

AMENDMENT NO. 1. Amend Senate Bill 3111 on page 1, lines 19 and 20, by deleting "that are intended for livestock production"; and

on page 1, immediately below line 32, by inserting the following:

"Swap meet" means an organized event where animals including, but not limited to, dogs, cats, birds, fish, reptiles, or other animals customarily obtained as pets, are sold, traded, or exchange hands."; and

on page 2, line 3, by deleting "livestock"; and

on page 2, line 7, by deleting "livestock".

Under the rules, the foregoing **Senate Bill No. 3111**, with House Amendment No. 1, was referred to the Secretary's Desk.

**REPORT FROM STANDING COMMITTEE**

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

Senate Amendment No. 2 to House Bill 1336

Senate Amendment No. 1 to House Bill 7181

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

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

Motion to Concur in House Amendment 1 to Senate Bill 984

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

**INTRODUCTION OF BILLS**

**SENATE BILL NO. 3382.** Introduced by Senator Sandoval, a bill for AN ACT concerning race tracks.

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:

SENATE BILL NO. 2238

A bill for AN ACT in relation to insurance.

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

House Amendment No. 3 to SENATE BILL NO. 2238

Passed the House, as amended, May 26, 2004.

MARK MAHONEY, Clerk of the House

**AMENDMENT NO. 3**

AMENDMENT NO. 3. Amend Senate Bill 2238 by replacing everything after the enacting clause

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with the following:

"Section 5. The Illinois Insurance Code is amended by changing Section 143a-2 as follows:  
(215 ILCS 5/143a-2) (from Ch. 73, par. 755a-2)

Sec. 143a-2. (1) Additional uninsured motor vehicle coverage. No policy insuring against loss resulting from liability imposed by law for bodily injury or death suffered by any person arising out of the ownership, maintenance or use of a motor vehicle shall be renewed or delivered or issued for delivery in this State with respect to any motor vehicle designed for use on public highways and required to be registered in this State unless uninsured motorist coverage as required in Section 143a of this Code is included in an amount equal to the insured's bodily injury liability limits unless specifically rejected by the insured as provided in paragraph (2) of this Section. Each insurance company providing the coverage must provide applicants with a brief description of the coverage and advise them of their right to reject the coverage in excess of the limits set forth in Section 7-203 of The Illinois Vehicle Code. The provisions of this amendatory Act of 1990 apply to policies of insurance applied for after June 30, 1991.

(2) Right of rejection of additional uninsured motorist coverage. Any named insured or applicant After June 30, 1991, every application for motor vehicle coverage must contain a space for indicating the rejection of additional uninsured motorist coverage. No rejection of that coverage may be effective unless the applicant signs or initials the indication of rejection. The applicant may reject additional uninsured motorist coverage in excess of the limits set forth in Section 7-203 of the Illinois Vehicle Code by making a written request for limits of uninsured motorist coverage which are less than bodily injury liability limits or a written rejection of limits in excess of those required by law. This election or rejection shall be binding on all persons insured under the policy. In those cases ~~, including policies first issued before July 1, 1991,~~ where the insured has elected to purchase limits of uninsured motorist coverage which are less than bodily injury liability limits or to reject limits in excess of those required by law, the insurer need not provide in any renewal, reinstatement, reissuance, substitute, amended, replacement or supplementary policy, coverage in excess of that elected by the insured in connection with a policy previously issued to such insured by the same insurer unless the insured subsequently makes a written request for such coverage.

(3) The original document application indicating the applicant's selection of uninsured motorist coverage limits shall constitute sufficient evidence of the applicant's selection of uninsured motorist coverage limits ~~and shall be binding on all persons insured under the policy.~~ For purposes of this Section any reproduction of the document application by means of photograph, photostat, microfiche, computerized optical imaging process, or other similar process or means of reproduction shall be deemed the equivalent of the original document application.

(4) For the purpose of this Code the term "underinsured motor vehicle" means a motor vehicle whose ownership, maintenance or use has resulted in bodily injury or death of the insured, as defined in the policy, and for which the sum of the limits of liability under all bodily injury liability insurance policies or under bonds or other security required to be maintained under Illinois law applicable to the driver or to the person or organization legally responsible for such vehicle and applicable to the vehicle, is less than the limits for underinsured coverage provided the insured as defined in the policy at the time of the accident. The limits of liability for an insurer providing underinsured motorist coverage shall be the limits of such coverage, less those amounts actually recovered under the applicable bodily injury insurance policies, bonds or other security maintained on the underinsured motor vehicle. ~~However, the maximum amount payable by the underinsured motorist coverage carrier shall not exceed the amount by which the limits of the underinsured motorist coverage exceeds the limits of the bodily injury liability insurance of the owner or operator of the underinsured motor vehicle.~~

On or after July 1, 1983, no policy insuring against loss resulting from liability imposed by law for bodily injury or death suffered by any person arising out of the ownership, maintenance or use of a motor vehicle shall be renewed or delivered or issued for delivery in this State with respect to any motor vehicle designed for use on public highways and required to be registered in this State unless underinsured motorist coverage is included in such policy in an amount equal to the total amount of uninsured motorist coverage provided in that policy where such uninsured motorist coverage exceeds the limits set forth in Section 7-203 of the Illinois Vehicle Code.

The changes made to this subsection (4) by this amendatory Act of the 93rd General Assembly apply to policies issued or renewed on or after December 1, 2004.

(5) Scope. Nothing herein shall prohibit an insurer from setting forth policy terms and conditions which provide that if the insured has coverage available under this Section under more than one policy or provision of coverage, any recovery or benefits may be equal to, but may not exceed, the higher of the applicable limits of the respective coverage, and the limits of liability under this Section shall not be

[May 26, 2004]

increased because of multiple motor vehicles covered under the same policy of insurance. Insurers providing liability coverage on an excess or umbrella basis are neither required to provide, nor are they prohibited from offering or making available coverages conforming to this Section on a supplemental basis. Notwithstanding the provisions of this Section, an insurer shall not be prohibited from solely providing a combination of uninsured and underinsured motorist coverages where the limits of liability under each coverage is in the same amount.

(6) Subrogation against underinsured motorists. No insurer shall exercise any right of subrogation under a policy providing additional uninsured motorist coverage against an underinsured motorist where the insurer has been provided with written notice in advance of a settlement between its insured and the underinsured motorist and the insurer fails to advance a payment to the insured, in an amount equal to the tentative settlement, within 30 days following receipt of such notice.

(7) A policy which provides underinsured motor vehicle coverage may include a clause which denies payment until the limits of liability or portion thereof under all bodily injury liability insurance policies applicable to the underinsured motor vehicle and its operators have been partially or fully exhausted by payment of judgment or settlement. A judgment or settlement of the bodily injury claim in an amount less than the limits of liability of the bodily injury coverages applicable to the claim shall not preclude the claimant from making an underinsured motorist claim against the underinsured motorist coverage. Any such provision in a policy of insurance shall be inapplicable if the insured, or the legal representative of the insured, and the insurer providing underinsured motor vehicle coverage agree that the insured has suffered bodily injury or death as the result of the negligent operation, maintenance, or use of an underinsured motor vehicle and, without arbitration, agree also on the amount of damages that the insured is legally entitled to collect. The maximum amount payable pursuant to such an underinsured motor vehicle insurance settlement agreement shall not exceed the amount by which the limits of the underinsured motorist coverage exceed the limits of the bodily injury liability insurance of the owner or operator of the underinsured motor vehicle. Any such agreement shall be final as to the amount due and shall be binding upon both the insured and the underinsured motorist insurer regardless of the amount of any judgment, or any settlement reached between any insured and the person or persons responsible for the accident. No such settlement agreement shall be concluded unless: (i) the insured has complied with all other applicable policy terms and conditions; and (ii) before the conclusion of the settlement agreement, the insured has filed suit against the underinsured motor vehicle owner or operator and has not abandoned the suit, or settled the suit without preserving the rights of the insurer providing underinsured motor vehicle coverage in the manner described in paragraph (6) of this Section.

(Source: P.A. 89-658, eff. 1-1-97.)

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

Under the rules, the foregoing **Senate Bill No. 2238**, with House Amendment No. 3, was referred to the Secretary's Desk.

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed a bill of the following title, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 6354

A bill for AN ACT concerning aging.

Passed the House, May 26, 2004.

MARK MAHONEY, Clerk of the House

The foregoing **House Bill No. 6354** was taken up, ordered printed and placed on first reading.

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 6683

A bill for AN ACT concerning alcoholic liquor.

[May 26, 2004]

Which amendment is as follows:  
Senate Amendment No. 1 to HOUSE BILL NO. 6683  
Concurred in by the House, May 26, 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 486

A bill for AN ACT concerning health care for women.

Which amendments are as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 486

Senate Amendment No. 2 to HOUSE BILL NO. 486

Concurred in by the House, May 26, 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 916

A bill for AN ACT in relation to environmental safety.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 916

Concurred in by the House, May 26, 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 1300

A bill for AN ACT in relation to county government.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 1300

Concurred in by the House, May 26, 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 2268

A bill for AN ACT to create the Health Care Justice Act.

Which amendments are as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 2268

Senate Amendment No. 2 to HOUSE BILL NO. 2268

Senate Amendment No. 4 to HOUSE BILL NO. 2268

Concurred in by the House, May 26, 2004.

MARK MAHONEY, Clerk of the House

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

[May 26, 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 4502

A bill for AN ACT in relation to persons with disabilities.

Which amendment is as follows:

Senate Amendment No. 3 to HOUSE BILL NO. 4502

Concurred in by the House, May 26, 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 4996

A bill for AN ACT concerning veterans.

Which amendments are as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 4996

Senate Amendment No. 3 to HOUSE BILL NO. 4996

Concurred in by the House, May 26, 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 6906

A bill for AN ACT concerning education.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 6906

Concurred in by the House, May 26, 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 5732

A bill for AN ACT in relation to tax increment financing.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 5732

Concurred in by the House, May 26, 2004.

MARK MAHONEY, Clerk of the House

### HOUSE BILL RECALLED

On motion of Senator Martinez, **House Bill No. 1336** was recalled from the order of third reading to the order of second reading.

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

Senator Martinez offered the following amendment and moved its adoption:

#### AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 1336 by replacing everything after the enacting clause with the following:

[May 26, 2004]

"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 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

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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 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

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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 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

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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 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

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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 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

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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 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 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

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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 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

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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

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:

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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 \$1.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in 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

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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:

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.

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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;

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

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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 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

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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 1, Township 33 North, Range 10 East of the Third Principal Meridian. All situated in the County of Will, State of Illinois.

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.

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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 Northeasterly of the Northeasterly 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 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

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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 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.

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(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 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.

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

The motion prevailed.

And the amendment was adopted, and ordered printed.

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

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**READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME**

On motion of Senator Martinez, **House Bill No. 1336**, 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 48; Nays 7.

The following voted in the affirmative:

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

The following voted in the negative:

Bomke	Forby	Lauzen	Winkel
Demuzio	Haine	Sullivan, J.	

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

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

**HOUSE BILL RECALLED**

On motion of Senator Clayborne, **House Bill No. 826** was recalled from the order of third reading to the order of second reading.

Senator Clayborne offered the following amendment and moved its adoption:

**AMENDMENT NO. 2**

AMENDMENT NO.   2  . Amend House Bill 826, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, as follows:

on page 7, by replacing lines 4 through 7 with the following:  
 "only in 0.25% increments. The tax may not be imposed on"; and

on page 11, by replacing lines 23 through 26 with the following:  
 "0.25% increments. The tax may not be imposed on".

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 Clayborne, **House Bill No. 826**, 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.

The following voted in the affirmative:

Brady	Halvorson	Maloney	Trotter
Clayborne	Harmon	Martinez	Viverito
Collins	Hendon	Meeks	Walsh
Crotty	Hunter	Munoz	Watson
Cullerton	Jacobs	Ronen	Welch
del Valle	Jones, J.	Rutherford	Mr. President
Dillard	Jones, W.	Sandoval	
Garrett	Lightford	Schoenberg	
Geo-Karis	Link	Shadid	
Haine	Luechtefeld	Syverson	

The following voted in the negative:

Bomke	Obama	Righter	Sullivan, J.
Burzynski	Peterson	Risinger	Winkel
Demuzio	Petka	Roskam	Wojcik
Forby	Radogno	Sieben	
Lauzen	Rauschenberger	Sullivan, D.	

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 Sandoval, **House Bill No. 835**, 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 47; Nays 7.

The following voted in the affirmative:

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

The following voted in the negative:

Burzynski	Peterson	Righter	Winkel
Jones, J.	Rauschenberger	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.

At the hour of 6:25 o'clock p.m., Senator Welch presiding.

#### HOUSE BILLS RECALLED

On motion of Senator Trotter, **House Bill No. 851** was recalled from the order of third reading to the order of second reading.

Senator Trotter offered the following amendment:

#### AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 851 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Watercraft Use Tax Law.

Section 5. Definitions. For the purposes of this Law:

"Department" means the Department of Revenue.

"Purchase price" means the reasonable consideration paid for a watercraft valued in money whether received in money or otherwise, including, but not limited to, cash, credits, property, and services, and including the value of any motor sold with, or in conjunction with, the watercraft. Except in the case of transfers between immediate family members, reasonable consideration ordinarily means the fair market value on the date the watercraft or the share of the watercraft was acquired or the date the watercraft was brought into this State, whichever is later, unless the taxpayer can demonstrate that a different value is reasonable. In the case of transfers between immediate family members, reasonable consideration ordinarily means the consideration actually paid, unless it appears from the facts and circumstances that the primary motivation of the transfer was the avoidance of tax.

"Watercraft" means:

- (1) Class 1, Class 2, Class 3, and Class 4 watercraft, as defined in Section 3-2 of the Boat Registration and Safety Act;
- (2) personal watercraft, as defined in Section 1-2 of the Boat Registration and Safety Act; and
- (3) any boat equipped with an inboard motor.

Section 10. Tax imposed. A tax is hereby imposed on the privilege of using, in this State, any watercraft acquired by gift, transfer, or purchase after June 30, 2004. This tax does not apply if: (i) the use of the watercraft is otherwise taxed under the Use Tax Act; (ii) the watercraft is bought and used by a governmental agency or a society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes and that entity has been issued an exemption identification number under Section 1g of the Retailers' Occupation Tax Act; (iii) the use of the watercraft is not subject to the Use Tax Act by reason of subsection (a), (b), (c), (d), or (e) of Section 3-55 of that Act dealing with the prevention of actual or likely multi-state taxation; or (iv) the transfer is a gift to a beneficiary in the administration of an estate and the beneficiary is a surviving spouse.

Section 15. Rate of tax.

The rate of tax is 6.25% of the purchase price for each purchase of watercraft that is subject to tax under this Law. When an ownership share of a watercraft is acquired, the tax is imposed on the purchase price of that share. All owners are jointly and severally liable for any tax due as a result of the purchase, gift, or transfer of an ownership share of the watercraft.

Section 20. Returns.

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(a) The purchaser, transferee, or donee shall file with the Department a return signed by the purchaser, transferee, or donee on a form prescribed by the Department. The return shall contain a verification in substantially the following form and such other information as the Department may reasonably require:

**VERIFICATION**

I declare that I have examined this return and, to the best of my knowledge, it is true, correct, and complete. I understand that the penalty for willfully filing a false return is a fine not to exceed \$1,000 or imprisonment in a penal institution other than the penitentiary not to exceed one year, or both a fine and imprisonment.

(b) The return and payment from the purchaser, transferee, or donee shall be submitted to the Department within 30 days after the date of purchase, donation, or other transfer or the date the watercraft is brought into this State, whichever is later. Payment of tax is a condition to securing certificate of title for the watercraft from the Department of Natural Resources. When a purchaser, transferee, or donee pays the tax imposed by Section 10 of this Law, the Department (upon request therefor from the purchaser, transferee, or donee) shall issue an appropriate receipt to the purchaser, transferee, or donee showing that he or she has paid the tax to the Department. The receipt shall be sufficient to relieve the purchaser, transferee, or donee from further liability for the tax to which the receipt may refer.

Section 25. Filing false or incomplete return. Any person required to file a return under this Law who willfully files a false or incomplete return is guilty of a Class A misdemeanor.

Section 30. Determining purchase price. For the purpose of assisting in determining the validity of the purchase price reported on returns filed with the Department, the Department may furnish the following information to persons with whom the Department has contracted for service related to making that determination: (i) the purchase price stated on the return; (ii) the watercraft identification number; (iii) the year, the make, and the model name or number of the watercraft; (iv) the purchase date; and (v) the hours of operation.

Section 35. Powers of Department. The Department has full power to: (i) administer and enforce this Law; (ii) collect all taxes, penalties, and interest due under this Law; (iii) dispose of taxes, penalties, and interest so collected in the manner set forth in this Law; and (iv) determine all rights to credit memoranda or refunds arising on account of the erroneous payment of tax, penalty, or interest under this Law. In the administration of, and compliance with, this Law, the Department and persons who are subject to this Law have the same rights, remedies, privileges, immunities, powers, and duties, and are subject to the same conditions, restrictions, limitations, penalties, and definitions of terms, and employ the same modes of procedure, as are prescribed in the Use Tax Act (except for the provisions of Section 3-70), that are not inconsistent with this Law, as fully as if the provisions of the Use Tax Act were set forth in this Law. In addition to any other penalties imposed under law, any person convicted of violating the provisions of this Law shall be assessed a fine of \$1,000.

Section 40. Payments to Local Government Distributive Fund and General Revenue Fund. The Department shall each month, upon collecting any taxes as provided in this Law, pay 20% of the money collected into the Local Government Distributive Fund, a special fund in the State treasury, and 80% into the General Revenue Fund.

Section 45. Rules. The Department has the authority to adopt such rules as are reasonable and necessary to implement the provisions of this Law.

Section 90. The Retailers' Occupation Tax Act is amended by changing Section 1c as follows:  
(35 ILCS 120/1c) (from Ch. 120, par. 440c)

Sec. 1c. A person who is engaged in the business of leasing or renting motor vehicles or, beginning July 1, 2003, aircraft or, beginning July 1, 2004, watercraft to others and who, in connection with such business sells any used motor vehicle, ~~or aircraft~~ , or watercraft to a purchaser for his use and not for the purpose of resale, is a retailer engaged in the business of selling tangible personal property at retail under this Act to the extent of the value of the vehicle or aircraft sold. For the purpose of this Section "motor vehicle" has the meaning prescribed in Section 1-157 of the Illinois Vehicle Code, as now or hereafter amended. For the purpose of this Section "aircraft" has the meaning prescribed in Section 3 of the Illinois Aeronautics Act. For the purpose of this Section, "watercraft" has the meaning prescribed in

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Section 5 of the Watercraft Use Tax Law. (Nothing provided herein shall affect liability incurred under this Act because of the sale at retail of such motor vehicles, ~~or~~ aircraft, or watercraft to a lessor.)  
(Source: P.A. 93-24, eff. 6-20-03.)

Section 95. The Boat Registration and Safety Act is amended by changing Section 3A-5 as follows:  
(625 ILCS 45/3A-5) (from Ch. 95 1/2, par. 313A-5)

Sec. 3A-5. Certificate of title - Issuance - Records.

(a) The Department of Natural Resources shall file each application received and, when satisfied as to its genuineness and regularity, and that no tax imposed by the "Use Tax Act" or the Watercraft Use Tax Law is owed as evidenced by the receipt for payment or determination of exemption from the Department of Revenue provided for in Section 3A-3 of this Article, and that the applicant is entitled to the issuance of a certificate of title, shall issue a certificate of title.

(b) The Department of Natural Resources shall maintain a record of all certificates of title issued under a distinctive title number assigned to the watercraft and, in the discretion of the Department, in any other method determined.

(Source: P.A. 89-445, eff. 2-7-96.)

Section 999. Effective date. This Act takes effect July 1, 2004."

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

The motion to table prevailed.

Senator Halvorson offered the following amendment and moved its adoption:

#### **AMENDMENT NO. 2**

AMENDMENT NO.   2  . Amend House Bill 851 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Watercraft Use Tax Law.

Section 5. Definitions. For the purposes of this Law:

"Department" means the Department of Revenue.

"Purchase price" means the reasonable consideration paid for a watercraft valued at \$10,000 or more whether received in money or otherwise, including, but not limited to, cash, credits, property, and services, and including the value of any motor sold with, or in conjunction with, the watercraft. Except in the case of transfers between immediate family members, reasonable consideration ordinarily means the fair market value on the date the watercraft or the share of the watercraft was acquired or the date the watercraft was brought into this State, whichever is later, unless the taxpayer can demonstrate that a different value is reasonable. In the case of transfers between immediate family members, reasonable consideration ordinarily means the consideration actually paid, unless it appears from the facts and circumstances that the primary motivation of the transfer was the avoidance of tax.

"Watercraft" means:

- (1) Class 1, Class 2, Class 3, and Class 4 watercraft, as defined in Section 3-2 of the Boat Registration and Safety Act;
- (2) personal watercraft, as defined in Section 1-2 of the Boat Registration and Safety Act; and
- (3) any boat equipped with an inboard motor.

Section 10. Tax imposed. A tax is hereby imposed on the privilege of using, in this State, any watercraft acquired by gift, transfer, or purchase after June 30, 2004. This tax does not apply if: (i) the use of the watercraft is otherwise taxed under the Use Tax Act; (ii) the watercraft is bought and used by a governmental agency or a society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes and that entity has been issued an exemption identification number under Section 1g of the Retailers' Occupation Tax Act; (iii) the use of the watercraft is not subject to the Use Tax Act by reason of subsection (a), (b), (c), (d), or (e) of Section 3-55 of that Act dealing with the prevention of actual or likely multi-state taxation; or (iv) the transfer is a gift to a beneficiary in the administration of an estate and the beneficiary is a surviving spouse.

Section 15. Rate of tax.

The rate of tax is 6.25% of the purchase price for each purchase of watercraft that is subject to tax

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under this Law. When an ownership share of a watercraft is acquired, the tax is imposed on the purchase price of that share. All owners are jointly and severally liable for any tax due as a result of the purchase, gift, or transfer of an ownership share of the watercraft.

#### Section 20. Returns.

(a) The purchaser, transferee, or donee shall file with the Department a return signed by the purchaser, transferee, or donee on a form prescribed by the Department. The return shall contain a verification in substantially the following form and such other information as the Department may reasonably require:

##### VERIFICATION

I declare that I have examined this return and, to the best of my knowledge, it is true, correct, and complete. I understand that the penalty for willfully filing a false return is a fine not to exceed \$1,000 or imprisonment in a penal institution other than the penitentiary not to exceed one year, or both a fine and imprisonment.

(b) The return and payment from the purchaser, transferee, or donee shall be submitted to the Department within 30 days after the date of purchase, donation, or other transfer or the date the watercraft is brought into this State, whichever is later. Payment of tax is a condition to securing certificate of title for the watercraft from the Department of Natural Resources. When a purchaser, transferee, or donee pays the tax imposed by Section 10 of this Law, the Department (upon request therefor from the purchaser, transferee, or donee) shall issue an appropriate receipt to the purchaser, transferee, or donee showing that he or she has paid the tax to the Department. The receipt shall be sufficient to relieve the purchaser, transferee, or donee from further liability for the tax to which the receipt may refer.

Section 25. Filing false or incomplete return. Any person required to file a return under this Law who willfully files a false or incomplete return is guilty of a Class A misdemeanor.

Section 30. Determining purchase price. For the purpose of assisting in determining the validity of the purchase price reported on returns filed with the Department, the Department may furnish the following information to persons with whom the Department has contracted for service related to making that determination: (i) the purchase price stated on the return; (ii) the watercraft identification number; (iii) the year, the make, and the model name or number of the watercraft; (iv) the purchase date; and (v) the hours of operation.

Section 35. Powers of Department. The Department has full power to: (i) administer and enforce this Law; (ii) collect all taxes, penalties, and interest due under this Law; (iii) dispose of taxes, penalties, and interest so collected in the manner set forth in this Law; and (iv) determine all rights to credit memoranda or refunds arising on account of the erroneous payment of tax, penalty, or interest under this Law. In the administration of, and compliance with, this Law, the Department and persons who are subject to this Law have the same rights, remedies, privileges, immunities, powers, and duties, and are subject to the same conditions, restrictions, limitations, penalties, and definitions of terms, and employ the same modes of procedure, as are prescribed in the Use Tax Act (except for the provisions of Section 3-70), that are not inconsistent with this Law, as fully as if the provisions of the Use Tax Act were set forth in this Law. In addition to any other penalties imposed under law, any person convicted of violating the provisions of this Law shall be assessed a fine of \$1,000.

Section 40. Payments to Local Government Distributive Fund and General Revenue Fund. The Department shall each month, upon collecting any taxes as provided in this Law, pay 20% of the money collected into the Local Government Distributive Fund, a special fund in the State treasury, and 80% into the General Revenue Fund.

Section 45. Rules. The Department has the authority to adopt such rules as are reasonable and necessary to implement the provisions of this Law.

Section 990. The Retailers' Occupation Tax Act is amended by changing Section 1c as follows:  
(35 ILCS 120/1c) (from Ch. 120, par. 440c)

Sec. 1c. A person who is engaged in the business of leasing or renting motor vehicles or, beginning July 1, 2003, aircraft or, beginning July 1, 2004, watercraft to others and who, in connection with such business sells any used motor vehicle, ~~or aircraft~~ or watercraft to a purchaser for his use and not for the

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purpose of resale, is a retailer engaged in the business of selling tangible personal property at retail under this Act to the extent of the value of the vehicle or aircraft sold. For the purpose of this Section "motor vehicle" has the meaning prescribed in Section 1-157 of the Illinois Vehicle Code, as now or hereafter amended. For the purpose of this Section "aircraft" has the meaning prescribed in Section 3 of the Illinois Aeronautics Act. For the purpose of this Section, "watercraft" has the meaning prescribed in Section 5 of the Watercraft Use Tax Law. (Nothing provided herein shall affect liability incurred under this Act because of the sale at retail of such motor vehicles, ~~or~~ aircraft, or watercraft to a lessor.) (Source: P.A. 93-24, eff. 6-20-03.)

Section 995. The Boat Registration and Safety Act is amended by changing Section 3A-5 as follows:  
(625 ILCS 45/3A-5) (from Ch. 95 1/2, par. 313A-5)

Sec. 3A-5. Certificate of title - Issuance - Records.

(a) The Department of Natural Resources shall file each application received and, when satisfied as to its genuineness and regularity, and that no tax imposed by the "Use Tax Act" or the Watercraft Use Tax Law is owed as evidenced by the receipt for payment or determination of exemption from the Department of Revenue provided for in Section 3A-3 of this Article, and that the applicant is entitled to the issuance of a certificate of title, shall issue a certificate of title.

(b) The Department of Natural Resources shall maintain a record of all certificates of title issued under a distinctive title number assigned to the watercraft and, in the discretion of the Department, in any other method determined.

(Source: P.A. 89-445, eff. 2-7-96.)

Section 999. 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 bill, as amended, was ordered to a third reading.

On motion of Senator Hendon, **House Bill No. 868** was recalled from the order of third reading to the order of second reading.

Senator Hendon offered the following amendment and moved its adoption:

#### **AMENDMENT NO. 1**

AMENDMENT NO. 1. Amend House Bill 868 by replacing everything after the enacting clause with the following:

"Section 3. The Film Production Services Tax Credit Act is amended by changing Section 90 as follows:

(35 ILCS 15/90)

(Section scheduled to be repealed on January 1, 2005)

Sec. 90. Repeal. This Act is repealed on January 1, 2006 ~~1 year after its effective date.~~

(Source: P.A. 93-543, eff. 1-1-04.)

Section 5. The Use Tax Act is amended by changing Section 3-5 as follows:

(35 ILCS 105/3-5) (from Ch. 120, par. 439.3-5)

Sec. 3-5. Exemptions. Use of the following tangible personal property is exempt from the tax imposed by this Act:

(1) Personal property purchased from a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(2) Personal property purchased by a not-for-profit Illinois county fair association for use in conducting, operating, or promoting the county fair.

(3) Personal property purchased by a not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated primarily for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations.

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On and after the effective date of this amendatory Act of the 92nd General Assembly, however, an entity otherwise eligible for this exemption shall not make tax-free purchases unless it has an active identification number issued by the Department.

(4) Personal property purchased by a governmental body, by a corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes, or by a not-for-profit corporation, society, association, foundation, institution, or organization that has no compensated officers or employees and that is organized and operated primarily for the recreation of persons 55 years of age or older. A limited liability company may qualify for the exemption under this paragraph only if the limited liability company is organized and operated exclusively for educational purposes. On and after July 1, 1987, however, no entity otherwise eligible for this exemption shall make tax-free purchases unless it has an active exemption identification number issued by the Department.

(5) Until July 1, 2003, a passenger car that is a replacement vehicle to the extent that the purchase price of the car is subject to the Replacement Vehicle Tax.

(6) ~~Graphic~~ ~~Until July 1, 2003,~~ graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order, certified by the purchaser to be used primarily for graphic arts production, and including machinery and equipment purchased for lease. Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a graphic arts product.

(7) Farm chemicals.

(8) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(9) Personal property purchased from a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(10) A motor vehicle of the first division, a motor vehicle of the second division that is a self-contained motor vehicle designed or permanently converted to provide living quarters for recreational, camping, or travel use, with direct walk through to the living quarters from the driver's seat, or a motor vehicle of the second division that is of the van configuration designed for the transportation of not less than 7 nor more than 16 passengers, as defined in Section 1-146 of the Illinois Vehicle Code, that is used for automobile renting, as defined in the Automobile Renting Occupation and Use Tax Act.

(11) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (11). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (11) is exempt from the provisions of Section 3-90.

(12) Fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

(13) Proceeds of mandatory service charges separately stated on customers' bills for the purchase and consumption of food and beverages purchased at retail from a retailer, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who

participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(14) Until July 1, 2003, oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(15) Photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(16) Until July 1, 2003, coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(17) Until July 1, 2003, distillation machinery and equipment, sold as a unit or kit, assembled or installed by the retailer, certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as motor fuel or as a component of motor fuel for the personal use of the user, and not subject to sale or resale.

(18) Manufacturing and assembling machinery and equipment used primarily in the process of manufacturing or assembling tangible personal property for wholesale or retail sale or lease, whether that sale or lease is made directly by the manufacturer or by some other person, whether the materials used in the process are owned by the manufacturer or some other person, or whether that sale or lease is made apart from or as an incident to the seller's engaging in the service occupation of producing machines, tools, dies, jigs, patterns, gauges, or other similar items of no commercial value on special order for a particular purchaser.

(19) Personal property delivered to a purchaser or purchaser's donee inside Illinois when the purchase order for that personal property was received by a florist located outside Illinois who has a florist located inside Illinois deliver the personal property.

(20) Semen used for artificial insemination of livestock for direct agricultural production.

(21) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes.

(22) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients purchased by a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the equipment is leased in a manner that does not qualify for this exemption or is used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Service Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Service Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(23) Personal property purchased by a lessor who leases the property, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a governmental body that has been issued an active sales tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the property is leased in a manner that does not qualify for this exemption or used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Service Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Service Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(24) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(25) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(26) Beginning July 1, 1999, game or game birds purchased at a "game breeding and hunting preserve area" or an "exotic game hunting area" as those terms are used in the Wildlife Code or at a hunting enclosure approved through rules adopted by the Department of Natural Resources. This paragraph is exempt from the provisions of Section 3-90.

(27) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(28) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 3-90.

(29) Beginning January 1, 2000 and through December 31, 2001, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. Beginning January 1, 2002 and through June 30, 2003, machines and parts for machines used in commercial, coin-operated amusement and vending business if a use or occupation tax is paid on the gross receipts derived from the use of the commercial, coin-operated amusement and vending machines. This paragraph is exempt from the provisions of Section 3-90.

(30) Food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article 5 of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act.

(31) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients purchased by a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the equipment is leased in a manner that does not qualify for this exemption or is used in any other nonexempt manner, the lessor shall be liable for the tax imposed under this Act or the Service Use Tax Act, as the case may be, based on the fair market value of the property at the time the nonqualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Service Use Tax Act, as the case may be, if the tax has not been paid by the

lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department. This paragraph is exempt from the provisions of Section 3-90.

(32) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, personal property purchased by a lessor who leases the property, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a governmental body that has been issued an active sales tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the property is leased in a manner that does not qualify for this exemption or used in any other nonexempt manner, the lessor shall be liable for the tax imposed under this Act or the Service Use Tax Act, as the case may be, based on the fair market value of the property at the time the nonqualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Service Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department. This paragraph is exempt from the provisions of Section 3-90.

(33) On and after July 1, 2003, the use in this State of motor vehicles of the second division with a gross vehicle weight in excess of 8,000 pounds and that are subject to the commercial distribution fee imposed under Section 3-815.1 of the Illinois Vehicle Code. This exemption applies to repair and replacement parts added after the initial purchase of such a motor vehicle if that motor vehicle is used in a manner that would qualify for the rolling stock exemption otherwise provided for in this Act.

(Source: P.A. 92-35, eff. 7-1-01; 92-227, eff. 8-2-01; 92-337, eff. 8-10-01; 92-484, eff. 8-23-01; 92-651, eff. 7-11-02; 93-23, eff. 6-20-03; 93-24, eff. 6-20-03; revised 9-11-03.)

Section 10. The Service Use Tax Act is amended by changing Section 3-5 as follows:

(35 ILCS 110/3-5) (from Ch. 120, par. 439.33-5)

Sec. 3-5. Exemptions. Use of the following tangible personal property is exempt from the tax imposed by this Act:

(1) Personal property purchased from a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(2) Personal property purchased by a non-profit Illinois county fair association for use in conducting, operating, or promoting the county fair.

(3) Personal property purchased by a not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated primarily for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations. On and after the effective date of this amendatory Act of the 92nd General Assembly, however, an entity otherwise eligible for this exemption shall not make tax-free purchases unless it has an active identification number issued by the Department.

(4) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(5) ~~Graphic~~ ~~Until July 1, 2003, graphic~~ arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order or purchased for lease, certified by the purchaser to be used primarily for graphic arts production. Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a graphic arts product.

(6) Personal property purchased from a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(7) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse

wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (7). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (7) is exempt from the provisions of Section 3-75.

(8) Fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

(9) Proceeds of mandatory service charges separately stated on customers' bills for the purchase and consumption of food and beverages acquired as an incident to the purchase of a service from a serviceman, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(10) Until July 1, 2003, oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(11) Proceeds from the sale of photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(12) Until July 1, 2003, coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(13) Semen used for artificial insemination of livestock for direct agricultural production.

(14) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes.

(15) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients purchased by a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the equipment is leased in a manner that does not qualify for this exemption or is used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(16) Personal property purchased by a lessor who leases the property, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a governmental body that has been issued an active tax exemption identification number by the

Department under Section 1g of the Retailers' Occupation Tax Act. If the property is leased in a manner that does not qualify for this exemption or is used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(17) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(18) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(19) Beginning July 1, 1999, game or game birds purchased at a "game breeding and hunting preserve area" or an "exotic game hunting area" as those terms are used in the Wildlife Code or at a hunting enclosure approved through rules adopted by the Department of Natural Resources. This paragraph is exempt from the provisions of Section 3-75.

(20) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(21) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 3-75.

(22) Beginning January 1, 2000 and through December 31, 2001, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. Beginning January 1, 2002 and through June 30, 2003, machines and parts for machines used in commercial, coin-operated amusement and vending business if a use or occupation tax is paid on the gross receipts derived from the use of the commercial, coin-operated amusement and vending machines. This paragraph is exempt from the provisions of Section 3-75.

(23) Food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article 5 of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act.

(24) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis,

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analysis, or treatment of hospital patients purchased by a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the equipment is leased in a manner that does not qualify for this exemption or is used in any other nonexempt manner, the lessor shall be liable for the tax imposed under this Act or the Use Tax Act, as the case may be, based on the fair market value of the property at the time the nonqualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department. This paragraph is exempt from the provisions of Section 3-75.

(25) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, personal property purchased by a lessor who leases the property, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the property is leased in a manner that does not qualify for this exemption or is used in any other nonexempt manner, the lessor shall be liable for the tax imposed under this Act or the Use Tax Act, as the case may be, based on the fair market value of the property at the time the nonqualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department. This paragraph is exempt from the provisions of Section 3-75.

(Source: P.A. 92-16, eff. 6-28-01; 92-35, eff. 7-1-01; 92-227, eff. 8-2-01; 92-337, eff. 8-10-01; 92-484, eff. 8-23-01; 92-651, eff. 7-11-02; 93-24, eff. 6-20-03.)

Section 15. The Service Occupation Tax Act is amended by changing Section 3-5 as follows:

(35 ILCS 115/3-5) (from Ch. 120, par. 439.103-5)

Sec. 3-5. Exemptions. The following tangible personal property is exempt from the tax imposed by this Act:

(1) Personal property sold by a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(2) Personal property purchased by a not-for-profit Illinois county fair association for use in conducting, operating, or promoting the county fair.

(3) Personal property purchased by any not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated primarily for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations. On and after the effective date of this amendatory Act of the 92nd General Assembly, however, an entity otherwise eligible for this exemption shall not make tax-free purchases unless it has an active identification number issued by the Department.

(4) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(5) ~~Graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order or purchased for lease, certified by the purchaser to be used primarily for graphic arts production. Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a graphic arts product.~~ ~~Until July 1, 2003, graphic~~

(6) Personal property sold by a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(7) Farm machinery and equipment, both new and used, including that manufactured on special order,

certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (7). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (7) is exempt from the provisions of Section 3-55.

(8) Fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

(9) Proceeds of mandatory service charges separately stated on customers' bills for the purchase and consumption of food and beverages, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(10) Until July 1, 2003, oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(11) Photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(12) Until July 1, 2003, coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(13) Food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article 5 of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act.

(14) Semen used for artificial insemination of livestock for direct agricultural production.

(15) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes.

(16) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act.

(17) Personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active

tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act.

(18) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(19) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(20) Beginning July 1, 1999, game or game birds sold at a "game breeding and hunting preserve area" or an "exotic game hunting area" as those terms are used in the Wildlife Code or at a hunting enclosure approved through rules adopted by the Department of Natural Resources. This paragraph is exempt from the provisions of Section 3-55.

(21) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(22) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 3-55.

(23) Beginning January 1, 2000 and through December 31, 2001, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. Beginning January 1, 2002 and through June 30, 2003, machines and parts for machines used in commercial, coin-operated amusement and vending business if a use or occupation tax is paid on the gross receipts derived from the use of the commercial, coin-operated amusement and vending machines. This paragraph is exempt from the provisions of Section 3-55.

(24) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. This paragraph is exempt from the provisions of Section 3-55.

(25) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. This paragraph is exempt from the provisions of Section 3-55.

(26) Beginning on January 1, 2002, tangible personal property purchased from an Illinois retailer by a taxpayer engaged in centralized purchasing activities in Illinois who will, upon receipt of the property in Illinois, temporarily store the property in Illinois (i) for the purpose of subsequently transporting it outside this State for use or consumption thereafter solely outside this State or (ii) for the purpose of

being processed, fabricated, or manufactured into, attached to, or incorporated into other tangible personal property to be transported outside this State and thereafter used or consumed solely outside this State. The Director of Revenue shall, pursuant to rules adopted in accordance with the Illinois Administrative Procedure Act, issue a permit to any taxpayer in good standing with the Department who is eligible for the exemption under this paragraph (26). The permit issued under this paragraph (26) shall authorize the holder, to the extent and in the manner specified in the rules adopted under this Act, to purchase tangible personal property from a retailer exempt from the taxes imposed by this Act. Taxpayers shall maintain all necessary books and records to substantiate the use and consumption of all such tangible personal property outside of the State of Illinois.

(Source: P.A. 92-16, eff. 6-28-01; 92-35, eff. 7-1-01; 92-227, eff. 8-2-01; 92-337, eff. 8-10-01; 92-484, eff. 8-23-01; 92-488, eff. 8-23-01; 92-651, eff. 7-11-02; 93-24, eff. 6-20-03.)

Section 20. The Retailers' Occupation Tax Act is amended by changing Section 2-5 as follows:  
(35 ILCS 120/2-5) (from Ch. 120, par. 441-5)

Sec. 2-5. Exemptions. Gross receipts from proceeds from the sale of the following tangible personal property are exempt from the tax imposed by this Act:

(1) Farm chemicals.

(2) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (2). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed, if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (7) is exempt from the provisions of Section 2-70.

(3) Until July 1, 2003, distillation machinery and equipment, sold as a unit or kit, assembled or installed by the retailer, certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as motor fuel or as a component of motor fuel for the personal use of the user, and not subject to sale or resale.

(4) ~~Graphic~~ ~~Until July 1, 2003,~~ ~~graphic~~ arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order or purchased for lease, certified by the purchaser to be used primarily for graphic arts production. Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a graphic arts product.

(5) A motor vehicle of the first division, a motor vehicle of the second division that is a self-contained motor vehicle designed or permanently converted to provide living quarters for recreational, camping, or travel use, with direct walk through access to the living quarters from the driver's seat, or a motor vehicle of the second division that is of the van configuration designed for the transportation of not less than 7 nor more than 16 passengers, as defined in Section 1-146 of the Illinois Vehicle Code, that is used for automobile renting, as defined in the Automobile Renting Occupation and Use Tax Act.

(6) Personal property sold by a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(7) Until July 1, 2003, proceeds of that portion of the selling price of a passenger car the sale of which is subject to the Replacement Vehicle Tax.

(8) Personal property sold to an Illinois county fair association for use in conducting, operating, or promoting the county fair.

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(9) Personal property sold to a not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated primarily for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations. On and after the effective date of this amendatory Act of the 92nd General Assembly, however, an entity otherwise eligible for this exemption shall not make tax-free purchases unless it has an active identification number issued by the Department.

(10) Personal property sold by a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(11) Personal property sold to a governmental body, to a corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes, or to a not-for-profit corporation, society, association, foundation, institution, or organization that has no compensated officers or employees and that is organized and operated primarily for the recreation of persons 55 years of age or older. A limited liability company may qualify for the exemption under this paragraph only if the limited liability company is organized and operated exclusively for educational purposes. On and after July 1, 1987, however, no entity otherwise eligible for this exemption shall make tax-free purchases unless it has an active identification number issued by the Department.

(12) Tangible personal property sold to interstate carriers for hire for use as rolling stock moving in interstate commerce or to lessors under leases of one year or longer executed or in effect at the time of purchase by interstate carriers for hire for use as rolling stock moving in interstate commerce and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(12-5) On and after July 1, 2003, motor vehicles of the second division with a gross vehicle weight in excess of 8,000 pounds that are subject to the commercial distribution fee imposed under Section 3-815.1 of the Illinois Vehicle Code. This exemption applies to repair and replacement parts added after the initial purchase of such a motor vehicle if that motor vehicle is used in a manner that would qualify for the rolling stock exemption otherwise provided for in this Act.

(13) Proceeds from sales to owners, lessors, or shippers of tangible personal property that is utilized by interstate carriers for hire for use as rolling stock moving in interstate commerce and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(14) Machinery and equipment that will be used by the purchaser, or a lessee of the purchaser, primarily in the process of manufacturing or assembling tangible personal property for wholesale or retail sale or lease, whether the sale or lease is made directly by the manufacturer or by some other person, whether the materials used in the process are owned by the manufacturer or some other person, or whether the sale or lease is made apart from or as an incident to the seller's engaging in the service occupation of producing machines, tools, dies, jigs, patterns, gauges, or other similar items of no commercial value on special order for a particular purchaser.

(15) Proceeds of mandatory service charges separately stated on customers' bills for purchase and consumption of food and beverages, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(16) Petroleum products sold to a purchaser if the seller is prohibited by federal law from charging tax to the purchaser.

(17) Tangible personal property sold to a common carrier by rail or motor that receives the physical possession of the property in Illinois and that transports the property, or shares with another common carrier in the transportation of the property, out of Illinois on a standard uniform bill of lading showing the seller of the property as the shipper or consignor of the property to a destination outside Illinois, for use outside Illinois.

(18) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(19) Until July 1 2003, oil field exploration, drilling, and production equipment, including (i) rigs and

parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(20) Photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(21) Until July 1, 2003, coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(22) Fuel and petroleum products sold to or used by an air carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

(23) A transaction in which the purchase order is received by a florist who is located outside Illinois, but who has a florist located in Illinois deliver the property to the purchaser or the purchaser's donee in Illinois.

(24) Fuel consumed or used in the operation of ships, barges, or vessels that are used primarily in or for the transportation of property or the conveyance of persons for hire on rivers bordering on this State if the fuel is delivered by the seller to the purchaser's barge, ship, or vessel while it is afloat upon that bordering river.

(25) A motor vehicle sold in this State to a nonresident even though the motor vehicle is delivered to the nonresident in this State, if the motor vehicle is not to be titled in this State, and if a drive-away permit is issued to the motor vehicle as provided in Section 3-603 of the Illinois Vehicle Code or if the nonresident purchaser has vehicle registration plates to transfer to the motor vehicle upon returning to his or her home state. The issuance of the drive-away permit or having the out-of-state registration plates to be transferred is prima facie evidence that the motor vehicle will not be titled in this State.

(26) Semen used for artificial insemination of livestock for direct agricultural production.

(27) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes.

(28) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of this Act.

(29) Personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of this Act.

(30) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(31) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(32) Beginning July 1, 1999, game or game birds sold at a "game breeding and hunting preserve area" or an "exotic game hunting area" as those terms are used in the Wildlife Code or at a hunting enclosure approved through rules adopted by the Department of Natural Resources. This paragraph is exempt from the provisions of Section 2-70.

(33) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is

donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(34) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 2-70.

(35) Beginning January 1, 2000 and through December 31, 2001, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. Beginning January 1, 2002 and through June 30, 2003, machines and parts for machines used in commercial, coin-operated amusement and vending business if a use or occupation tax is paid on the gross receipts derived from the use of the commercial, coin-operated amusement and vending machines. This paragraph is exempt from the provisions of Section 2-70.

(35-5) Food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article 5 of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act.

(36) Beginning August 2, 2001, computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of this Act. This paragraph is exempt from the provisions of Section 2-70.

(37) Beginning August 2, 2001, personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of this Act. This paragraph is exempt from the provisions of Section 2-70.

(38) Beginning on January 1, 2002, tangible personal property purchased from an Illinois retailer by a taxpayer engaged in centralized purchasing activities in Illinois who will, upon receipt of the property in Illinois, temporarily store the property in Illinois (i) for the purpose of subsequently transporting it outside this State for use or consumption thereafter solely outside this State or (ii) for the purpose of being processed, fabricated, or manufactured into, attached to, or incorporated into other tangible personal property to be transported outside this State and thereafter used or consumed solely outside this State. The Director of Revenue shall, pursuant to rules adopted in accordance with the Illinois Administrative Procedure Act, issue a permit to any taxpayer in good standing with the Department who is eligible for the exemption under this paragraph (38). The permit issued under this paragraph (38) shall authorize the holder, to the extent and in the manner specified in the rules adopted under this Act, to purchase tangible personal property from a retailer exempt from the taxes imposed by this Act. Taxpayers shall maintain all necessary books and records to substantiate the use and consumption of all such tangible personal property outside of the State of Illinois.

(Source: P.A. 92-16, eff. 6-28-01; 92-35, eff. 7-1-01; 92-227, eff. 8-2-01; 92-337, eff. 8-10-01; 92-484, eff. 8-23-01; 92-488, eff. 8-23-01; 92-651, eff. 7-11-02; 92-680, eff. 7-16-02; 93-23, eff. 6-20-03; 93-24, eff. 6-20-03; revised 9-11-03.)

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

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The motion prevailed.

And the amendment was adopted, and ordered printed.

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

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

On motion of Senator Hendon, **House Bill No. 868**, 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 56; Nays None.

The following voted in the affirmative:

Bomke	Haine	Munoz	Sullivan, D.
Brady	Halvorson	Obama	Sullivan, J.
Burzynski	Harmon	Peterson	Syverson
Clayborne	Hendon	Petka	Trotter
Collins	Hunter	Radogno	Viverito
Cronin	Jacobs	Rauschenberger	Walsh
Crotty	Jones, J.	Righter	Watson
Cullerton	Jones, W.	Risinger	Welch
del Valle	Laufen	Ronen	Winkel
DeLeo	Lightford	Roskam	Wojcik
Demuzio	Link	Rutherford	Mr. President
Dillard	Luechtefeld	Sandoval	
Forby	Maloney	Schoenberg	
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 and ask their concurrence in the Senate Amendment adopted thereto.

### HOUSE BILL RECALLED

On motion of Senator del Valle, **House Bill No. 966** was recalled from the order of third reading to the order of second reading.

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

#### AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 966 by replacing everything after the enacting clause with the following:

"Section 5. If and only if Executive Order No. 2004-6 becomes effective in accordance with Section 11 of Article V of the Illinois Constitution, then the Civil Administrative Code of Illinois is amended by adding Section 5-710 as follows:

(20 ILCS 5/5-710 new)

Sec. 5-710. Executive Order provision superseded.

(a) Executive Order No. 2004-6 creates the Department of Financial and Professional Regulation and, in subdivision I(B), provides in part: "The New Agency shall have an officer as its head known as the Secretary who shall be responsible for all agency Functions. Appointment to this office shall be made by the Governor, by and with the advice and consent of the Senate."

(b) Executive Order No. 2004-6, in subdivision I(C), provides in part: "None of the four Directors, nor any such assistants or deputies, shall be state officers subject to Senate confirmation."

(c) The sentence of subdivision I(C) of Executive Order 2004-6 that is quoted in subsection (b), to the

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extent that it exempts the appointments of the 4 Directors of the Department of Financial and Professional Regulation from Senate confirmation, is superseded by subsection (d) of this Section and is of no force or effect as to the appointment of the 4 Directors of the Department of Financial and Professional Regulation.

(d) In addition to appointments to the office of Secretary of Financial and Professional Regulation, appointments to the 4 offices of Director of Financial and Professional Regulation must each be made by the Governor, by and with the advice and consent of the Senate.

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 del Valle, **House Bill No. 966**, 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 56; Nays None.

The following voted in the affirmative:

Bomke	Haine	Munoz	Sullivan, D.
Brady	Halvorson	Obama	Sullivan, J.
Burzynski	Harmon	Peterson	Syverson
Clayborne	Hendon	Petka	Trotter
Collins	Hunter	Radogno	Viverito
Cronin	Jacobs	Rauschenberger	Walsh
Crotty	Jones, J.	Righter	Watson
Cullerton	Jones, W.	Risinger	Welch
del Valle	Lauzen	Ronen	Winkel
DeLeo	Lightford	Roskam	Wojcik
Demuzio	Link	Rutherford	Mr. President
Dillard	Luechtefeld	Sandoval	
Forby	Maloney	Schoenberg	
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 and ask their concurrence in the Senate Amendment adopted thereto.

### **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. 1 to House Bill 854  
 Senate Amendment No. 1 to House Bill 911  
 Senate Amendment No. 2 to House Bill 911  
 Senate Amendment No. 5 to House Bill 3589

**JOINT ACTION MOTIONS FILED**

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

Motion to Concur in House Amendments 1 and 2 to Senate Bill 132  
Motion to Concur in House Amendment 1 to Senate Bill 2382  
Motion to Concur in House Amendment 1 to Senate Bill 2496  
Motion to Concur in House Amendment 1 to Senate Bill 2499  
Motion to Concur in House Amendments 1, 2 and 3 to Senate Bill 2635  
Motion to Concur in House Amendment 1 to Senate Bill 2908  
Motion to Concur in House Amendment 1 to Senate Bill 2944

At the hour of 6:54 o'clock p.m., the Chair announced that the Senate stand adjourned until Thursday, May 27, 2004, at 10:00 o'clock a.m.