

SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SECOND GENERAL ASSEMBLY

78TH LEGISLATIVE DAY

WEDNESDAY, MARCH 20, 2002

1:00 O'CLOCK P.M.

No. 78
[Mar. 20, 2002]

The Senate met pursuant to adjournment.
 Honorable James "Pate" Philip, Wood Dale, Illinois, presiding.
 Prayer by Reverend Ellen Rechenbach, First Christian Church of
 Blue Mound, Blue Mound, Illinois.
 Senator Radogno led the Senate in the Pledge of Allegiance.

The Journal of Thursday, March 7, 2002, was being read when on motion of Senator W. Jones further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

A report on the Nonhazardous Solid Waste Management and Landfill Capacity in Illinois: 2000 submitted by the Illinois Environmental Protection Agency.

An Interim Report on General State Aid Recommendations, March 2002, submitted by the Education Funding Advisory Board as required in the School Code (105 ILCS 5/18-8.05(M)).

The Annual Report submitted by the Illinois Sports Facilities Authority Act in compliance with Section 9 (5) of the Illinois Sports Facilities Authority Act, as amended.

The Fiscal Year 2001 report on the Illinois Emergency Food & Shelter Program submitted by the Department of Human Services in accordance with Public Act 83-1382.

A Report on Expenditures for the Title XX Social Services Block Grant, Fiscal Year 2001, submitted by the Department of Human Services.

A report on the Renewal-Replacement and Improvement Program, 2002 Annual Element, 2003 - 2006 Multi-Year Program, submitted by The Illinois State Toll Highway Authority pursuant to 605 ILCS 10/23 of the Toll Highway Act.

A Flex Time Annual Report 2001 submitted by the Department of Central Management Services in accordance with 20 ILCS 415/9(13).

The Second Quarter Procurement Report for period ending December 31, 2001, submitted by the Metropolitan Pier and Exposition Authority pursuant to the Metropolitan Pier and Exposition Authority Act as amended (70 ILCS 210/1).

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

LEGISLATIVE MEASURES FILED

The following floor amendments to the Senate Bills listed below have been filed with the Secretary, and referred to the Committee on Rules:

[Mar. 20, 2002]

Senate Amendment No. 3 to Senate Bill 1622
 Senate Amendment No. 2 to Senate Bill 1782
 Senate Amendment No. 1 to Senate Bill 1820
 Senate Amendment No. 1 to Senate Bill 1924
 Senate Amendment No. 2 to Senate Bill 1926
 Senate Amendment No. 2 to Senate Bill 1936
 Senate Amendment No. 2 to Senate Bill 2022
 Senate Amendment No. 1 to Senate Bill 2023
 Senate Amendment No. 2 to Senate Bill 2024
 Senate Amendment No. 2 to Senate Bill 2030
 Senate Amendment No. 2 to Senate Bill 2223

EXCUSED FROM ATTENDANCE

On motion of Senator Demuzio, Senators Bowles and Hendon were excused from attendance due to Legislative Business.

On motion of Senator Demuzio, Senator Viverito was excused from attendance due to personal business.

On motion of Senator Demuzio, Senator Silverstein was excused from attendance due to illness.

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

MESSAGE FROM THE PRESIDENT

**OFFICE OF THE SENATE PRESIDENT
 ILLINOIS SENATE**

March 19, 2002

Mr. Jim Harry
 Secretary of the Senate
 401 State House
 Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to Senate Rule 2-10, please be advised that the Senate will not be in Session on Friday, March 22. Therefore, when we adjourn on Thursday, March 21, the Senate will reconvene on Tuesday, April 2, 2002, at twelve o'clock noon.

Sincerely,

s/James "Pate" Philip
 Senate President

cc: Senator Emil Jones
 Rep. Michael Madigan
 Rep. Lee Daniels

MESSAGE FROM THE GOVERNOR

[Mar. 20, 2002]

A Message for the Governor by Michael P. Madigan
Director, Legislative Affairs

March 20, 2002

Mr. President,

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

STATE OF ILLINOIS
EXECUTIVE DEPARTMENT

To The Honorable
Members of the Senate
Illinois General Assembly

I have nominated and appointed the following named persons to the
offices enumerated below and respectfully ask concurrence in and
confirmation of these appointments of your Honorable Body:

BOARD OF TRUSTEES HISTORIC PRESERVATION AGENCY

To be a member of the Historic Preservation Agency Board
of Trustees for a term ending January 19, 2004:

Edward M. Genson of Deerfield
Non-Salaried

CAPITAL DEVELOPMENT BOARD

To be a member of the Capital Development Board
for a term ending January 16, 2006:

Mark J. Ladd of Chicago
Non-Salaried

EDUCATION FUNDING ADVISORY BOARD

To be a member, and chairman, of the Education Funding
Advisory Board for a term ending January 16, 2006:

C. Robert Leininger of Springfield
Non-Salaried

ILLINOIS COMMITTEE FOR AGRICULTURAL EDUCATION

To be a member of the Illinois Committee for Agricultural
Education for a term ending March 13, 2003:

Melinda C. Elvidge of Cisco
Non-Salaried

ILLINOIS STATE MEDICAL DISCIPLINARY BOARD

To be a member of the Illinois State Medical Disciplinary
Board for a term ending January 1, 2006:

Linda L. Zange of Chicago
Non-Salaried

[Mar. 20, 2002]

PUBLIC ADMINISTRATOR AND PUBLIC GUARDIAN

To be the Public Administrator and Public Guardian
of St. Clair County for a term ending December 5, 2005:

Craig Hubbard of O'Fallon
Non-Salaried

STATE REHABILITATION ADVISORY COUNCIL

To be a member of the State Rehabilitation Advisory
Council for a term ending July 1, 2002:

Christopher Ware of Clinton
Non-Salaried

To be a member of the State Rehabilitation Advisory
Council for a term ending July 1, 2005:

Christopher Ware of Clinton
Non-Salaried

GEORGE H. RYAN

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

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 355

Offered by Senator Parker and all Senators:
Mourns the death of Louis "Bud" Gartner of Northbrook.

SENATE RESOLUTION NO. 356

Offered by Senator Lauzen and all Senators:
Mourns the death of Herschel B. Stover of Oswego.

SENATE RESOLUTION NO. 357

Offered by Senator Lauzen and all Senators:
Mourns the death of George Gegeeran of Aurora.

SENATE RESOLUTION NO. 358

Offered by Senator Clayborne and all Senators:
Mourns the death of William Belmont, Sr. of East St. Louis.

SENATE RESOLUTION NO. 359

Offered by Senator Clayborne and all Senators:
Mourns the death of Helen Hoosman of East St. Louis.

SENATE RESOLUTION NO. 360

Offered by Senator Lauzen and all Senators:
Mourns the death of Pearle C. "Peg" Donovan of Aurora.

SENATE RESOLUTION NO. 361

Offered by Senator Demuzio and all Senators:
Mourns the death of Paul "Moody" Spudich of Livingston.

SENATE RESOLUTION NO. 362

Offered by Senator E. Jones and all Senators:

[Mar. 20, 2002]

Mourns the death of Jesse Jordan.

The foregoing resolutions were referred to the Resolutions Consent Calendar.

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

SENATE JOINT RESOLUTION NO. 61

WHEREAS, According to the Illinois Toll Highway Authority, most of the toll highway system in the State of Illinois is in need of complete reconstruction or repair; and

WHEREAS, The Illinois Toll Highway Authority has announced its intention to increase tolls; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we urge the Illinois Toll Highway Authority to use any revenues generated by a toll increase for the sole purpose of fixing, repairing, and reconstructing the existing toll highway system; and be it further

RESOLVED, That the existing toll highway system should be completely repaired before any revenues are used to expand the tollway system; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the Governor of the State of Illinois and to the Board of Directors of the Illinois Toll Highway Authority.

At the hour of 1:32 o'clock p.m., Senator Donahue presiding.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Shadid, Senate Bill No. 1530 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1530 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Section 11-1301.3 as follows:

(625 ILCS 5/11-1301.3) (from Ch. 95 1/2, par. 11-1301.3)

Sec. 11-1301.3. Unauthorized use of parking places reserved for persons with disabilities.

(a) It shall be prohibited to park any motor vehicle which is not properly displaying bearing registration plates or decals issued to a person with disabilities, as defined by Section 1-159.1, pursuant to Sections 3-616, 11-1301.1 or 11-1301.2, or to a disabled veteran pursuant to Section 3-609 of this Act, as evidence that the vehicle is operated by or for a person with disabilities or disabled veteran, in any parking place, including any private or public offstreet parking facility, specifically reserved, by the posting of an official sign as designated under Section 11-301, for motor vehicles displaying bearing such registration plates. It shall be prohibited to park any motor vehicle in a designated access aisle adjacent to any parking place specifically reserved for persons with disabilities, by the posting of an official sign as designated under Section 11-301, for motor vehicles displaying bearing such registration plates. When using the parking privileges for persons

[Mar. 20, 2002]

with disabilities, the parking decal or device must be displayed properly in the vehicle where it is clearly visible to law enforcement personnel, either hanging from the rearview mirror or placed on the dashboard of the vehicle in clear view. An individual with a vehicle properly displaying bearing a person with disabilities license plate or parking decal or device issued to a disabled person under Sections 3-616, 11-1301.1, or 11-1301.2 is in violation of this Section if the person is not the authorized holder of a person with disabilities license plate or parking decal or device and is not transporting the authorized holder of a person with disabilities license plate or parking decal or device to or from the parking location and the person uses the person with disabilities license plate or parking decal or device to exercise any privileges granted through the person with disabilities license plates or parking decals or devices under this Code. Any motor vehicle properly displaying bearing a person with disabilities license plate or a person with disabilities parking decal or device containing the International symbol of access issued to persons with disabilities by any local authority, state, district, territory or foreign country shall be recognized by State and local authorities as a valid license plate or device and receive the same parking privileges as residents of this State.

(b) Any person or local authority owning or operating any public or private offstreet parking facility may, after notifying the police or sheriff's department, remove or cause to be removed to the nearest garage or other place of safety any vehicle parked within a stall or space reserved for use by a person with disabilities which does not display person with disabilities registration plates or a special decal or device as required under this Section.

(c) Any person found guilty of violating the provisions of this Section shall be fined \$100 in addition to any costs or charges connected with the removal or storage of any motor vehicle authorized under this Section; but municipalities by ordinance may impose a fine up to \$200 and shall display signs indicating the fine imposed. If the amount of the fine is subsequently changed, the municipality shall change the sign to indicate the current amount of the fine. It shall not be a defense to a charge under this Section that the sign posted pursuant to this Section does not comply with the technical requirements of Section 11-301, Department regulations, or local ordinance if a reasonable person would be made aware by the sign or notice on or near the parking place that the place is reserved for a person with disabilities.

(d) Local authorities shall impose fines as established in subsection (c) for violations of this Section.

(e) As used in this Section, "authorized holder" means an individual issued a person with disabilities license plate under Section 3-616 of this Code or an individual issued a person with disabilities parking decal or device under Section 11-1301.2 of this Code.

(Source: P.A. 91-427, eff. 8-6-99; 92-411, eff. 1-1-02.)".

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Shadid, Senate Bill No. 1531 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Peterson, Senate Bill No. 1543 having been

[Mar. 20, 2002]

printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1543 by replacing everything after the enacting clause with the following:

"Section 5. The Use Tax Act is amended by changing Section 3-7 as follows:

(35 ILCS 105/3-7)

Sec. 3-7. Aggregate manufacturing exemption. Through December 31, 2007, the use of aggregate 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, is exempt from the tax imposed by this Act.

(Source: P.A. 90-529, eff. 11-14-97.)

Section 10. The Service Use Tax Act is amended by changing Section 3-7 as follows:

(35 ILCS 110/3-7)

Sec. 3-7. Aggregate manufacturing exemption. Through December 31, 2007, the use of aggregate 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, is exempt from the tax imposed by this Act.

(Source: P.A. 90-529, eff. 11-14-97.)

Section 15. The Service Occupation Tax Act is amended by changing Section 3-7 as follows:

(35 ILCS 115/3-7)

Sec. 3-7. Aggregate manufacturing exemption. Through December 31, 2007, aggregate 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, is exempt from the tax imposed by this Act.

(Source: P.A. 90-529, eff. 11-14-97.)

Section 20. The Retailers' Occupation Tax Act is amended by changing Section 2-7 as follows:

(35 ILCS 120/2-7)

Sec. 2-7. Aggregate manufacturing exemption. Through December 31, 2007, gross receipts from proceeds from the sale of aggregate 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, are exempt from the tax imposed by this Act.

(Source: P.A. 90-529, eff. 11-14-97.)

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

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Karpiel, Senate Bill No. 1556 having been printed, was taken up, read by title a second time and ordered to a

[Mar. 20, 2002]

third reading.

On motion of Senator Rauschenberger, Senate Bill No. 1565 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dillard, Senate Bill No. 1577 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Weaver, Senate Bill No. 1582 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1582 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Petroleum Business Education, Safety, and Security Act.

Section 5. Findings. The General Assembly finds that:

(1) Tragic world events have demonstrated that a normal occurrence can be transformed into a catastrophic crisis causing death and environmental destruction.

(2) Federal and State governments have determined there is a need for public information, heightened security, and enhanced training regarding the sale and distribution of fuel.

(3) In the 102 counties of Illinois there are fuel processing at facilities, gasoline bulk storage, and fuel deliveries occurring daily.

(4) Precise rules and regulations pertaining to employee and public awareness, facility and equipment security, and owner responsibility require advanced technical training and education for the distribution of fuel.

(5) In the interest of public safety and security, it is necessary to establish the Petroleum Business Education, Safety, and Security Council.

Section 10. Definitions. In this Act:

"Education" means any action to provide information regarding fuel, fuel equipment, environmental awareness, mechanical and technical practices, security, conservation, safety, and fuel uses to consumers, owners, and employees of the fuel distribution industry.

"Fuel" means all liquids defined as "motor fuel" in Section 1.1 of the Motor Fuel Tax Law and aviation fuel and kerosene but excluding liquefied petroleum gases.

"Industry" means persons involved in the production, transportation, and distribution of fuel, and the manufacture and distribution of fuel utilization equipment.

"Producer" means the owner of fuel at the time it is produced, manufactured, or blended.

"Public member" means a member of the Council other than a representative of producers or retail marketers or a State employee.

"Qualified industry organization" means the Illinois Petroleum Council, the Illinois Petroleum Marketers Association, and the Illinois Retail Merchants Association.

"Research" means any type of study, investigation, or other activity designed to advance the image, desirability, conservation, security, or environmental safety of fuel and to further the development of such information.

"Security" means the education and training of owners and

[Mar. 20, 2002]

employees on the awareness of possible actions that can initiate aggressive violent behavior against employees and customers, as well as damage the environment and sabotage and destroy fueling stations and fueling distribution facilities.

"Retail merchant" means a person or company engaged in the sale of fuel whose primary business is to sell other consumable items to the actual consumer.

"Retail marketer" means a person or company engaged primarily in the sale of fuel to the actual consumer.

"Training" means to make proficient with specialized instruction in environmental awareness and handling, security, conservation, and safety concerning the use and distribution of fuel products.

Section 15. Petroleum Business Education, Safety, and Security Council.

(a) The Council shall consist of 13 members, with 2 members representing retail marketers, 2 members representing producers, 2 members representing retail merchants, 2 public members, the Director of Revenue or his or her designate, the State Fire Marshall or his or her designate, the Director of the Environmental Protection Agency or his or her designate, the Director of Traffic Safety for the Department of Transportation or his or her designate, and the Director of the Department of Commerce and Community Affairs or his or her designate. The members representing the retail marketers, retail merchants, and producers shall be full-time employees or owners of businesses in the industry. No employee or current officer of the board of directors of a qualified industry organization shall serve as a member of the Council. Only one person at a time from any company or its affiliate may serve on the Council.

(b) The qualified industry organizations shall select all retail marketer, retail merchant, public, and producer members of the Council, giving due regard to selecting a Council that is representative of the industry. The producer organization of the qualified industry organizations shall select the 2 producer members of the Council, the retail marketer organization of the qualified industry organization shall select the 2 retail marketer members of the Council, and the retail merchant organization of the qualified industry organizations shall select 2 retail merchant members of the Council. The retail marketer organization, the retail merchant organization, and the producer organization shall work together to select the public members.

(c) Council members shall receive no compensation for their services. Council members may be reimbursed, upon request, for reasonable expenses directly related to their participation in Council meetings.

(d) Council members shall serve a term of 5 years. The Council shall notify the Executive of the Illinois Petroleum Marketers Association, the President of the Illinois Retail Merchants Association, and the Illinois Petroleum Council of the name, address, and relevant affiliations, if any, of any new Council member within 30 days after the appointment of the member to the Council.

(e) The Council shall develop programs and projects and enter into contracts or agreements for the implementation and administration of this Act, including programs to enhance consumer safety, security, conservation, protection, and other issues associated with the use and distribution of petroleum products; educate owners and employers on safety, training, security, protection, and conservation relating to the environmental equipment and environmental and personal dangers associated with the use and distribution of petroleum products; provide research and development of environmentally sound, safe, secure, and efficient petroleum

[Mar. 20, 2002]

distribution; and coordinate with industry trade associations and any other appropriate association to provide efficient delivery of services and to avoid unnecessary duplication of services.

(f) Issues related to security, environmental safety, education, and training shall be given priority by the Council in the development of its programs and projects.

(g) The Council shall select from among its members a Chairperson and other officers as necessary, may establish committees and subcommittees of the Council, and shall adopt rules and bylaws for the conduct of business and the implementation of this Act. The Council shall establish procedures for the solicitation of industry comment and recommendations on any significant plan, program, or project to be funded by the Council. The Council shall establish advisory committees, as needed, of persons other than Council members.

(h) If a Council member elects to vacate his or her position before the completion of the term of appointment, the member shall provide the Chairperson with a written notification at least 30 days prior to leaving. The qualified industry organizations shall have 30 days from the date of the written notification to appoint a replacement member. The member shall be selected in the same manner as the initial appointment.

(i) The Council shall keep minutes, books, and records that clearly reflect all of the acts and transactions of the Council and make public this information. The books of the Council shall be audited by a certified public accountant at least once per year and at any other times that the Council may designate. The expense of the audit shall be the responsibility of the Council. Copies of an audit shall be provided to the Governor, 4 leaders of the General Assembly, and all members of the Council, and upon request to all fuel industry organizations, other constitutional officers, General Assembly members, industry members, and the general public.

Section 20. Petroleum Business Education, Safety, and Security Fund.

(a) Beginning July 1, 2002, or as soon thereafter as may be practicable, the State Comptroller shall annually transfer from the Underground Storage Tank Fund created by Section 57.11 of the Environmental Protection Act an amount equal to 1/40 of the revenue deposited into that Fund during the previous fiscal year, but not exceeding \$1,500,000 per year, to the Petroleum Business Education, Safety, and Security Fund, which is hereby created as a special fund in the State Treasury.

(b) Subject to appropriation, the Department of Commerce and Community Affairs shall make an annual grant to the Council from the Petroleum Business Education, Safety, and Security Fund. The grant shall be used by the Council to pay for programs, contracts, related expenses, administration, and agreements approved by the Council. No money from the Fund shall be used by the Council or its employees for any political or legislative purpose. The Department of Commerce and Community Affairs may use money from the fund to recover a necessary and reasonable amount for the administration of this Act.

Section 25. Lobbying. No funds received by the Council shall be used in any manner for influencing legislation or elections.

Section 30. Relation to other programs. Nothing in this Act may be construed to preempt or supersede any other program relating to petroleum business training, education, research, or development organized and operated under the laws of this State.

Section 85. The Regulatory Sunset Act is amended by changing Section 4.17 as follows:

(5 ILCS 80/4.17)

[Mar. 20, 2002]

Sec. 4.17. Acts repealed on January 1, 2007. The following are repealed on January 1, 2007:

The Boiler and Pressure Vessel Repairer Regulation Act.
 The Structural Pest Control Act.
 Articles II, III, IV, V, V 1/2, VI, VIIA, VIIB, VIIC, XVII,
 XXXI, XXXI 1/4, and XXXI 3/4 of the Illinois Insurance Code.
 The Clinical Psychologist Licensing Act.
 The Illinois Optometric Practice Act of 1987.
 The Medical Practice Act of 1987.

The Petroleum Business Education, Safety, and Security Act.
 (Source: P.A. 89-467, eff. 1-1-97; 89-484, eff. 6-21-96; 89-594, eff. 8-1-96; 89-702, eff. 7-1-97.)

Section 90. The State Finance Act is amended by adding Section 5.570 as follows:

(30 ILCS 105/5.570 new)

Sec. 5.570. The Petroleum Business Education, Safety, and Security Fund.

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

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Philip, Senate Bill No. 1583 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1583 by replacing everything after the enacting clause with the following:

"Section 5. The Service Men's Employment Tenure Act is amended by changing Section 1 and adding Section 5.3 as follows:

(330 ILCS 60/1) (from Ch. 126 1/2, par. 29)

Sec. 1. Short title. This Act ~~shall be known and~~ may be cited as the Service Men's Employment Tenure and Civil Relief Act.

(Source: Laws 1941, vol. 1, p. 1202.)

(330 ILCS 60/5.3 new)

Sec. 5.3. Illinois National Guard; Soldiers' and Sailors' Civil Relief Act of 1940.

(a) Notwithstanding any other provision of law, a person who is a member of the Illinois National Guard and who is on active duty shall be accorded all of the relief and benefits under the laws of this State that are accorded to federal military personnel on active duty under the Soldiers' and Sailors' Civil Relief Act of 1940, as now or hereafter amended, if the person provides written notice of his or her active duty in the same manner that notice is provided under the Soldiers' and Sailors' Civil Relief Act of 1940.

(b) Notwithstanding any other provision of law, a person who is a member of the federal military and who is on active duty shall be accorded all of the relief and benefits under the laws of this State that are accorded to the person under the Soldiers' and Sailors' Civil Relief Act of 1940, as now or hereafter amended, if the person on active duty provides notice of his or her active duty under the Soldiers' and Sailors' Civil Relief Act of 1940.

(c) A person who has provided notice under subsection (a) or (b) shall, within 60 days after the termination of his or her active duty, provide written notice of the termination of his or her active duty to the person to whom notice was provided under subsection (a)

[Mar. 20, 2002]

or (b).

(d) For purposes of this Section: (i) when used in reference to the Illinois National Guard, the term "active duty" means a period of active duty in excess of 30 consecutive days pursuant to orders of the Governor, whether or not for training, either under Title 32 of the United States Code or under State Active Duty pursuant to the laws of this State; and (ii) when used in reference to federal military personnel, the term "active duty" shall have the same meaning as the term "military service" as defined in subsection (1) of Section 511 of the Soldiers' and Sailors' Civil Relief Act of 1940.

Section 10. The Metropolitan Transit Authority Act is amended by changing Section 29 as follows:

(70 ILCS 3605/29) (from Ch. 111 2/3, par. 329)

Sec. 29. If the Authority acquires a transportation system in operation by a public utility, all of the employees in the operating and maintenance divisions of such public utility and all other employees except executive and administrative officers and employees, shall be transferred to and appointed as employees of the Authority, subject to all rights and benefits of this Act, and these employees shall be given seniority credit in accordance with the records and labor agreements of the public utility. Employees who left the employ of such a public utility to enter the military service of the United States shall have the same rights as to the Authority, under the provisions of the "Service Men's Employment Tenure and Civil Relief Act", ~~approved July 17, 1941~~, as they would have had thereunder as to such public utility. After such acquisition the authority shall be required to extend to such former employees of such public utility only the rights and benefits as to pensions and retirement as are accorded other employees of the Authority.

(Source: Laws 1963, p. 152.)

Section 15. The Local Mass Transit District Act is amended by changing Section 3.5 as follows:

(70 ILCS 3610/3.5) (from Ch. 111 2/3, par. 353.5)

Sec. 3.5. If the district acquires a mass transit facility, all of the employees in the operating and maintenance divisions of such mass transit facility and all other employees except executive and administrative officers and employees, shall be transferred to and appointed as employees of the district, subject to all rights and benefits of this Act, and these employees shall be given seniority credit in accordance with the records and labor agreements of the mass transit facility. Employees who left the employ of such a mass transit facility to enter the military service of the United States shall have the same rights as to the district, under the provisions of the "Service Men's Employment Tenure and Civil Relief Act", ~~approved July 17, 1941~~, as they would have had thereunder as to such mass transit facility. After such acquisition the district shall be required to extend to such former employees of such mass transit facility only the rights and benefits as to pensions and retirement as are accorded other employees of the district.

(Source: Laws 1959, p. 1635.)

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

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Syverson, Senate Bill No. 1605 having been printed, was taken up, read by title a second time and ordered to a

[Mar. 20, 2002]

third reading.

On motion of Senator DeLeo, Senate Bill No. 1622 having been printed, was taken up and read by title a second time.

The following amendments were offered in the Committee on Licensed Activities, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1622 on page 11, line 3, by replacing "(iv)" with "(v)".

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1622, on page 1, by replacing line 28 with "connection to the water service after the approved backflow device is installed under the requirements of the Illinois Plumbing Code and ending at the most"; and on page 2, by deleting lines 15 through 17; and on page 5, line 8, by replacing "A separate license shall be issued to" with "No license is required for"; and on page 5, by replacing lines 13 through 16 with "level."; and on page 7, line 1, by replacing "point of service" with "fire sprinkler system connection to the water service".

Floor Amendment No. 3 was filed earlier today and referred to the Committee on Rules.

There being no further amendments, the foregoing Amendments numbered 1 and 2, were ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator O'Daniel, Senate Bill No. 1649 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, Senate Bill No. 1664 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1664 on page 5, line 23, immediately after "activities.", by inserting the following: "Whenever records are disclosed pursuant to this subdivision (12), the recipient of the records shall be advised in writing that any person who discloses mental health records and communications in violation of this Act may be subject to civil liability pursuant to Section 15 of this Act or to criminal penalties pursuant to Section 16 of this Act or both.".

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Cullerton, Senate Bill No. 1666 having been printed, was taken up and read by title a second time.

The following amendments were offered in the Committee on Revenue, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1666 on page 3, line 7, by replacing "regular" with "certified"; and

[Mar. 20, 2002]

on page 3, line 10, after "error", by inserting the following:
"and of the reasons therefor, including available documentation of the reason why the sale should not have occurred"; and
 on page 4, line 4, by replacing "At any time after 30" with "Thirty";
 and
 on page 4, line 6, before the comma, by inserting "or within a reasonable time thereafter"; and
 on page 4, line 9, after the period, by inserting the following:
"The county collector, on making such a finding, shall, within a reasonable time, process a refund check for the tax purchaser or subsequent holder of the certificate of purchase, to be paid upon surrender of the original certificate of purchase."

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1666, AS AMENDED, on page 1, by replacing line 5 with the following:
 "Sections 15-10 and 21-310 as follows:

(35 ILCS 200/15-10)

Sec. 15-10. Exempt property; procedures for certification. All property granted an exemption by the Department pursuant to the requirements of Section 15-5 and described in the Sections following Section 15-30 and preceding Section 16-5, to the extent therein limited, is exempt from taxation. In order to maintain that exempt status, the titleholder or the owner of the beneficial interest of any property that is exempt must file with the chief county assessment officer, on or before January 31 of each year (May 31 in the case of property exempted by Section 15-170), an affidavit stating whether there has been any change in the ownership or use of the property or the status of the owner-resident, or that a disabled veteran who qualifies under Section 15-165 owned and used the property as of January 1 of that year. The nature of any change shall be stated in the affidavit. Failure to file an affidavit shall, in the discretion of the assessment officer, constitute cause to terminate the exemption of that property, notwithstanding any other provision of this Code. Owners of 5 or more such exempt parcels within a county may file a single annual affidavit in lieu of an affidavit for each parcel. The assessment officer, upon request, shall furnish an affidavit form to the owners, in which the owner may state whether there has been any change in the ownership or use of the property or status of the owner or resident as of January 1 of that year. The owner of 5 or more exempt parcels shall list all the properties giving the same information for each parcel as required of owners who file individual affidavits.

However, titleholders or owners of the beneficial interest in any property exempted under any of the following provisions are not required to submit an annual filing under this Section:

- (1) Section 15-45 (burial grounds) in counties of less than 3,000,000 inhabitants and owned by a not-for-profit organization.
- (2) Section 15-40.
- (3) Section 15-50 (United States property).
- ~~(4) As is otherwise provided in Sections 15-170 and 15-175 (senior and general homestead exemptions).~~

If there is a change in use or ownership, however, notice must be filed pursuant to Section 15-20.

Annual application for homestead exemptions shall be filed as provided in Section 15-170 (senior citizens homestead exemption), Section 15-172 (senior citizens assessment freeze homestead exemption), and Section 15-175 (general homestead exemption), respectively.

(Source: P.A. 92-333, eff. 8-10-01.).

[Mar. 20, 2002]

There being no further amendments, the foregoing Amendments numbered 1 and 2, were ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Cullerton, Senate Bill No. 1668 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Syverson, Senate Bill No. 1735 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Obama, Senate Bill No. 1782 having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on State Government Operations, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1782 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Human Services Act is amended by adding Section 10-7 as follows:

(20 ILCS 1305/10-7 new)

Sec. 10-7. Postpartum depression. The Department, in cooperation with the Department of Professional Regulation, must work with licensed health care facilities and licensed health care professionals to develop policies that meet all of the following objectives that address the issue of postpartum depression:

(1) For physicians and other licensed health care professionals who provide prenatal care to women, to provide education to women and their families about postpartum depression in order to lower the likelihood that new mothers will continue to suffer from the illness in silence.

(2) For physicians and other health care personnel who provide postnatal care to women, to screen new mothers for postpartum depression symptoms prior to discharge from hospital and at the first few postnatal checkups.

(3) For physicians and other licensed health care professionals who provide prenatal and postnatal care to women, to include fathers and other family members, as appropriate, in both the education and treatment processes to help them better understand the nature and causes of postpartum depression so that they can overcome the spillover effects of the illness and improve their ability to be supportive of the new mother."

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

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Noland, Senate Bill No. 1808 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Mahar, Senate Bill No. 1812 having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Commerce and Industry, adopted and ordered printed:

[Mar. 20, 2002]

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1812 by replacing everything after the enacting clause with the following:

"Section 5. The Minimum Wage Law is amended by changing Section 4a as follows:

(820 ILCS 105/4a) (from Ch. 48, par. 1004a)

Sec. 4a. (1) Except as otherwise provided in this Section, no employer shall employ any of his employees for a workweek of more than 40 hours unless such employee receives compensation for his employment in excess of the hours above specified at a rate not less than 1 1/2 times the regular rate at which he is employed.

(2) The provisions of subsection (1) of this Section are not applicable to:

A. Any salesman or mechanic primarily engaged in selling or servicing automobiles, trucks or farm implements, if he is employed by a nonmanufacturing establishment primarily engaged in the business of selling such vehicles or implements to ultimate purchasers.

B. Any salesman primarily engaged in selling trailers, boats, or aircraft, if he is employed by a nonmanufacturing establishment primarily engaged in the business of selling trailers, boats, or aircraft to ultimate purchasers.

C. Any employer of agricultural labor, with respect to such agricultural employment.

D. Any governmental body.

E. Any employee employed in a bona fide executive, administrative or professional capacity, including any radio or television announcer, news editor, or chief engineer, as defined by or covered by the Federal Fair Labor Standards Act of 1938, as now or hereafter amended. For bona fide executive, administrative, and professional employees of not-for-profit corporations, the Director may, by regulation, adopt a weekly wage rate standard lower than that provided for executive, administrative, and professional employees covered under the Fair Labor Standards Act of 1938, as now or hereafter amended.

F. Any commissioned employee as described in paragraph (i) of Section 7 of the Federal Fair Labor Standards Act of 1938 and rules and regulations promulgated thereunder, as now or hereafter amended.

G. Any employment of an employee in the stead of another employee of the same employer pursuant to a worktime exchange agreement between employees.

H. Any employee of a not-for-profit educational or residential child care institution who (a) on a daily basis is directly involved in educating or caring for children who (1) are orphans, foster children, abused, neglected or abandoned children, or are otherwise homeless children and (2) reside in residential facilities of the institution and (b) is compensated at an annual rate of not less than \$13,000 or, if the employee resides in such facilities and receives without cost board and lodging from such institution, not less than \$10,000.

I. Any employee employed as a crew member of any uninspected towing vessel, as defined by Section 2101(40) of Title 46 of the United States Code, operating in any navigable waters in or along the boundaries of the State of Illinois.

(3) Any employer may employ any employee for a period or periods of not more than 10 hours in the aggregate in any workweek in excess of the maximum hours specified in subsection (1) of this Section without paying the compensation for overtime employment prescribed in subsection (1) if during that period or periods the employee is

[Mar. 20, 2002]

receiving remedial education that:

(a) is provided to employees who lack a high school diploma or educational attainment at the eighth grade level;

(b) is designed to provide reading and other basic skills at an eighth grade level or below; and

(c) does not include job specific training.

(Source: P.A. 88-122; 89-453, eff. 1-1-97.)

Section 10. The One Day Rest In Seven Act is amended by changing Section 2 as follows:

(820 ILCS 140/2) (from Ch. 48, par. 8b)

Sec. 2. Every employer shall allow every employee except those specified in this Section at least twenty-four consecutive hours of rest in every calendar week in addition to the regular period of rest allowed at the close of each working day.

This Section does not apply to the following:

(1) Part-time employees whose total work hours for one employer during a calendar week do not exceed 20; and

(2) Employees needed in case of breakdown of machinery or equipment or other emergency requiring the immediate services of experienced and competent labor to prevent injury to person, damage to property, or suspension of necessary operation; and

(3) Employees employed in agriculture or coal mining; and

(4) Employees engaged in the occupation of canning and processing perishable agricultural products, if such employees are employed by an employer in such occupation on a seasonal basis and for not more than 20 weeks during any calendar year or 12 month period; and

(5) Employees employed as watchmen or security guards; and

(6) Employees who are employed in a bonafide executive, administrative, or professional capacity or in the capacity of an outside salesman, as defined in Section 12 (a) (1) of the federal Fair Labor Standards Act, as amended, and those employed as supervisors as defined in Section 2 (11) of the National Labor Relations Act, as amended; and

(7) Employees who are employed as crew members of any uninspected towing vessel, as defined by Section 2101(40) of Title 46 of the United States Code, operating in any navigable waters in or along the boundaries of the State of Illinois.

(Source: P.A. 78-1297.)

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

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Shaw, Senate Bill No. 1854 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Molaro, Senate Bill No. 1917 having been printed, was taken up, read by title a second time.

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

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

On motion of Senator Peterson, Senate Bill No. 1932 having been printed, was taken up, read by title a second time and ordered to a third reading.

[Mar. 20, 2002]

On motion of Senator Watson, Senate Bill No. 1982 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1982 as follows: on page 1, line 5, by changing "Section" to "Sections 3-4-3 and"; and on page 1, by inserting between lines 5 and 6 the following:

"(730 ILCS 5/3-4-3) (from Ch. 38, par. 1003-4-3)

Sec. 3-4-3. Funds and Property of Persons Committed.

(a) The Department shall establish accounting records with accounts for each person who has or receives money while in an institution or facility of the Department and it shall allow the withdrawal and disbursement of money by the person under rules and regulations of the Department. Any interest or other income from moneys deposited with the Department by a resident of the Juvenile Division in excess of \$200 shall accrue to the individual's account, or in balances up to \$200 shall accrue to the Residents' Benefit Fund. For an individual in an institution or facility of the Adult Division the interest shall accrue to the Residents' Benefit Fund. The Department shall disburse all moneys so held no later than the person's final discharge from the Department. Moneys in the account of a committed person who files a lawsuit determined frivolous under Article XXIII of the Code of Civil Procedure shall be deducted to pay for the filing fees and cost of the suit as provided in that Article. The Department shall under rules and regulations record and receipt all personal property not allowed to committed persons. The Department shall return such property to the individual no later than the person's release on parole.

(b) Any money held in accounts of committed persons separated from the Department by death, discharge, or unauthorized absence and unclaimed for a period of 1 year thereafter by the person or his legal representative shall be transmitted to the State Treasurer who shall deposit it into the General Revenue Fund. Articles of personal property of persons so separated may be sold or used by the Department if unclaimed for a period of 1 year for the same purpose. Clothing, if unclaimed within 30 days, may be used or disposed of as determined by the Department.

(c) Ten percent of the profits on sales from commissary stores shall be expended by the Department for the special benefit of committed persons which shall include but not be limited to the advancement of inmate payrolls, for the special benefit of employees, and for the advancement or reimbursement of employee travel, provided that amounts expended for employees shall not exceed the amount of profits derived from sales made to employees by such commissaries, as determined by the Department. Additional profits from sales from commissary stores must be used to provide for the operation of the commissary.

(d) The Department shall confiscate any unauthorized currency found in the possession of a committed person. The Department shall transmit the confiscated currency to the State Treasurer who shall deposit it into the General Revenue Fund.

(Source: P.A. 89-689, eff. 12-31-96; 90-505, eff. 8-19-97.); and on page 1, line 10, by changing "10%" to "20% ±0%".

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

[Mar. 20, 2002]

On motion of Senator Watson, Senate Bill No. 2016 having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Local Government, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 2016 by replacing everything after the enacting clause with the following:

"Section 10. The Counties Code is amended by changing Sections 3-6037 and 4-6003 as follows:

(55 ILCS 5/3-6037) (from Ch. 34, par. 3-6037)

Sec. 3-6037. Salary of Supervisor of Safety. The county board may, but need not, allow the Supervisor of Safety an annual salary. Beginning December 1, 2002, if the county board allows the Supervisor of Safety an annual salary, that annual salary shall not be less than ~~net-to-exceed~~ the following:

In counties of less than 20,000 population, the sum of \$1,500;

In counties of 20,000 or more and less than 30,000 population, the sum of \$2,000;

In counties of 30,000 or more and less than 50,000 population, the sum of \$2,500;

In counties of 50,000 or more and less than 75,000 population, the sum of \$3,000;

In counties of 75,000 or more and less than 100,000 population, the sum of \$3,500;

In counties of 100,000 or more and less than 500,000 population, the sum of \$4,000;

In counties of 500,000 or more population, the sum of \$4,500.

The word "population" when used in this section shall mean the population as determined by the last preceding Federal Census.

These salaries shall be without regard to and separate from the salaries that may be fixed by the county board for the Sheriff, and shall be payable out of the County Treasury.

(Source: P.A. 86-962.)

(55 ILCS 5/4-6003) (from Ch. 34, par. 4-6003)

Sec. 4-6003. Compensation of sheriffs for certain expenses in counties of less than 2,000,000.

(a) The County Board, in all counties of less than 2,000,000 inhabitants, shall fix the compensation of sheriffs, with the amount of their necessary clerk hire, stationery, fuel and other expenses. The county shall supply the sheriff with all necessary uniforms, guns and ammunition. The compensation of each such officer shall be fixed separately from his necessary clerk hire, stationery, fuel and other expenses. Beginning immediately, no county with a population under 2,000,000 may reduce the rate of compensation of its sheriff below the rate of compensation that it was actually paying to its sheriff on January 1, 2002 or the effective date of this amendatory Act of the 92nd General Assembly, whichever is greater.

(b) In addition to the requirement of subsection (a), the rate of compensation payable to the sheriff by the county shall not be less than the following and such compensation shall be fixed within the following limits:

To each such sheriff in counties containing less than 10,000 inhabitants, not less than \$27,000 per annum.

To each such sheriff in counties containing 10,000 or more inhabitants but less than 20,000 inhabitants, not less than \$31,000 per annum.

To each such sheriff in counties containing 20,000 or more inhabitants but less than 30,000 inhabitants, not less than \$34,000 per annum.

[Mar. 20, 2002]

To each such sheriff in counties containing 30,000 or more inhabitants but less than 60,000 inhabitants, not less than \$37,000 per annum.

To each such sheriff in counties containing 60,000 or more inhabitants but less than 100,000 inhabitants, not less than \$40,000 per annum.

To each such sheriff in counties containing 100,000 or more inhabitants but less than 2,000,000 inhabitants, not less than \$43,000 per annum.

The population of each county for the purpose of fixing compensation as herein provided, shall be based upon the last federal census immediately previous to the election of the sheriff in question in such county.

~~(b) -- Those sheriffs beginning a term of office before December 1, 1990 shall be compensated at the rate of their base salary. -- "Base salary" is the compensation paid for each of those offices, respectively, before July 1, 1989.~~

(c) ~~(Blank). Those sheriffs beginning a term of office on or after December 1, 1990 shall be compensated as follows:~~

~~(1) -- Beginning December 1, 1990, base salary plus at least 3% of base salary.~~

~~(2) -- Beginning December 1, 1991, base salary plus at least 6% of base salary.~~

~~(3) -- Beginning December 1, 1992, base salary plus at least 9% of base salary.~~

~~(4) -- Beginning December 1, 1993, base salary plus at least 12% of base salary.~~

(d) In addition to the salary provided for in subsections (a), (b), and (c), beginning December 1, 1998, each sheriff, for his or her their additional duties imposed by other statutes or laws, shall receive an annual stipend to be paid by the State in the amount of \$6,500.

(e) No county board may reduce or otherwise impair the compensation payable from county funds to a sheriff if the reduction or impairment is the result of the sheriff receiving an award or stipend payable from State funds.
(Source: P.A. 90-713, eff. 12-1-98.)

Section 90. The State Mandates Act is amended by adding Section 8.26 as follows:

(30 ILCS 805/8.26 new)

Sec. 8.26. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 92nd General Assembly.

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

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Cullerton, Senate Bill No. 2049 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Parker, Senate Bill No. 2052 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bomke, Senate Bill No. 2117 having been

[Mar. 20, 2002]

printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 2117 by replacing the title with the following:

"AN ACT concerning medical districts."; and

by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Illinois Medical District at Springfield Act.

Section 5. Creation of District. There is created in the City of Springfield a medical center district, the Illinois Medical District at Springfield, whose boundaries are 11th Street on the East, North Grand Avenue on the north, Walnut Street on the west, and Madison Street on the south. 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. Illinois Medical District at Springfield Commission.

(a) There is created a body politic and corporate under the corporate name of the Illinois Medical District at Springfield Commission whose general purpose, in addition to and not in limitation of those purposes and powers set forth in 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 within the District hospitals, clinics, research facilities, educational facilities, or other facilities permitted under this Act; and

(2) provide for the orderly creation, maintenance, development, and expansion of (i) health care facilities and other ancillary or related facilities that the Commission may from time to time determine are established and operated (A) for any aspect of the carrying out of the Commission's purposes as set forth in this Act, (B) for the study, diagnosis, and treatment of human ailments and injuries, whether physical or mental, or (C) to promote medical, surgical, and scientific research and knowledge as permitted under this Act; and (ii) medical research and high technology parks, together with the necessary lands, buildings, facilities, equipment, and personal property for those parks.

(b) The Commission has perpetual succession and the 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 the same at 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 Springfield.

(c) The Commission shall consist of the following members: 3 members of the public appointed by the Governor, with the advice and consent of the Senate; 3 members of the public appointed by the Mayor of Springfield, with the advice and consent of the Springfield city council, 2 of whom shall be members of neighborhood organizations located within the District; 2 members appointed by each governing body of each accredited public school of medicine located and conducting programs of study in the District; and one member appointed by the Governor, with the advice and consent of the Senate, and one member appointed by the Mayor of Springfield, with the advice and consent of the Springfield city council, representing each licensed non-profit acute care hospital within the District. The

[Mar. 20, 2002]

public members appointed by the Governor and by the Mayor of Springfield shall not have been at any time during the 2-year period immediately before their appointment as Commissioners, and shall not be at any time during the term of their appointment as Commissioners, (i) members of the faculty of a school of medicine, (ii) members of the medical or dental staff of an acute care hospital, or (iii) directors, trustees, officers, employees, or agents of a person or entity that owns and operates a health care delivery facility or service in Springfield or of any person or entity that controls or owns, is controlled or owned by, or is under common control or ownership with any such person or party. All members of the Commission other than the initial public members appointed by the Governor shall be appointed to hold office for a term of 5 years and until their successors are appointed as provided in this Act. The initial public members of the Commission appointed by the Governor shall be appointed for terms ending, respectively on the second, third, and fourth anniversaries of their appointments. Thereafter, the public members appointed by the Governor shall be appointed to hold office for a term of 5 years and until their successors are appointed as provided in this Act.

(d) 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 entity that 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 5 years from the date of the expiration of the prior 5-year term notwithstanding when the appointment is actually made. The Commission shall obtain, under the provisions of the Personnel Code, such personnel as to the Commission shall deem advisable to carry out the purposes of this Act and the work of the Commission.

(e) The Commission shall hold regular meetings annually for the election of a President, Vice-President, Secretary, and Treasurer, for the adoption of a budget, and for such other business as may properly come before it. The Commission shall elect as the President a public member of the Commission appointed by the Mayor of Springfield and as the Vice-President a public member of the Commission appointed by the Governor. The Commission shall establish the duties and responsibilities of its officers by rule. The President or any 2 members of the Commission may call special meetings of the Commission. Each Commissioner shall take an oath of office for the faithful performance of his or her duties. The Commission may not transact business at a meeting of the Commission unless there is present at the meeting a quorum consisting of at least three-fourths of the entire number of Commissioners then in office (but not less than 9). Meetings may be held by telephone conference or other communications equipment by means of which all persons participating in the meeting can communicate with each other. The Commission may not take an action at a meeting of the Commission at which a quorum is present unless at least a majority of the entire number of Commissioners then in office (but not less than 7), including at least one Commissioner appointed by the governing body of each accredited school of medicine and at least one Commissioner representing each licensed non-profit acute care hospital within the District approves the action.

(f) The Commission shall submit to the General Assembly, 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.

[Mar. 20, 2002]

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

(g) The Auditor General shall conduct audits of the Commission in the same manner as the Auditor General conducts audits of State agencies under the Illinois State Auditing Act.

(h) Neither the Commission nor the District have any power to tax.

(i) The Commission is a public body and subject to the Open Meetings Act and the Freedom of Information Act.

Section 15. Grants; loans; 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, any unit of local government, or any other person or entity to be used for any of the purposes of the District. The Commission may enter into any agreement with the State of Illinois, the federal government, any State or federal instrumentality, any unit of local government, or any other 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 from entities who enter into such a contractual agreement for District enhancement and improvements, common area shared services, shared facilities, or other activities or expenditures in furtherance of the purposes of this Act. The Commission may make grants to neighborhood organizations within the District for the purpose of benefitting the community.

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. Title shall be taken in the corporate name of the Commission. The Commission may acquire by lease any real property lying within the District 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 those purposes. All real and personal property within the District, except that owned and used for purposes authorized under this Act by medical institutions or allied educational institutions, hospitals, dispensaries, clinics, dormitories or homes for the nurses, doctors, students, instructors, or other officers or employees of those institutions located in the District, or any real property that is used for offices or for recreational purposes in connection with those institutions, or any improved residential property within a currently effective historical 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 that will substantially achieve the purpose of preserving and rehabilitating buildings of historical significance to the district, may be acquired by the Commission in its corporate name under the provisions for the exercise of the right of eminent domain under Article VII of the Code of Civil Procedure. The Commission has no quick-take powers, no zoning powers, and no power to establish or enforce building codes. The Commission may not acquire any property pursuant to this Section before a comprehensive master plan has been approved under Section

[Mar. 20, 2002]

70.

Section 25. Construction. The Commission may, in its corporate capacity, construct or cause to be constructed within 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 (i) for the carrying out of any aspect of the Commission's purposes as set forth in this Act, 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, for any uses the Commission shall determine will 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 hearing, which Commissioner or other person has the power to administer oaths and affirmations and take the testimony of witnesses and receive such 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 the City of Springfield at least 10 days before the date of the hearing, or (ii) 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, for office buildings for physicians or dealers in medical accessories, for dormitories, homes, or residences for the medical profession, including interns, nurses, students, or other officers or employees of the institutions within the District, for the use of relatives of patients in the hospitals or other institutions within the District, for the rehabilitation or establishment of residential structures within a 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 that 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, 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 provisions of the Illinois Procurement Code that apply to State agencies. No construction may be undertaken pursuant to this Section before a comprehensive master plan has been approved under Section 70.

Section 30. Relocation assistance. The Commission shall provide relocation assistance to persons and entities displaced by the Commission's acquisition of property and improvement of the District. Relocation assistance shall not be less than provided under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and the regulations under that Act, including

[Mar. 20, 2002]

the eligibility criteria. Relocation assistance may include assistance with the moving of a residential unit to a new location. The Commission shall establish a single point of contact for all relocation assistance under this Section.

Section 35. Bonds. To obtain the funds necessary for financing the acquisition of land, for the acquisition, construction, maintenance, and rehabilitation of facilities and equipment within the District, and for the operation of the District as set forth in this Act, the Commission may borrow money from any public or private agency, department, corporation, or person. In evidence of and as security for funds borrowed, the Commission may issue revenue bonds in its corporate capacity to be payable from the revenues derived from the operation of the institutions or buildings owned, leased, or operated by or on behalf of the Commission, but the bonds shall in no event constitute an indebtedness of the Commission or a claim against the property of the Commission. The bonds may be issued in such denominations as may be expedient, in such amounts, and at such rates of interest as the Commission shall deem necessary to provide sufficient funds to pay all the costs authorized under this Section. The bonds shall be executed by the President of the Commission, attested by the Secretary, and sealed with the Commission's corporate seal. If either of those officers of the Commission who shall have signed or attested any of the bonds shall have ceased to be such officer before delivery of the bonds, the signature of the officer shall be valid and sufficient to the same effect as if the officer had remained in office at the time of delivery. The Commission shall furnish the State Comptroller with a record of all bonds issued under this Act.

Section 40. Power to sell or lease. The Commission may sell, convey, transfer, or lease, all at fair market value, any title or interest in real property 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 purposes as set forth in Section 10 of this Act, subject to such restrictions as to the use of the real property as the Commission shall determine 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 property is sold or leased in accordance with a plan to be presented by the purchaser or lessee, which plan shall be submitted, in writing, to the Commission. Under the plan, the purchaser or lessee shall undertake (1) to use the land for the purposes designated in the plan so presented; (2) 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 (3) to comply with such other conditions as the Commission shall determine are necessary to carry out the project. 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 the 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 of the property as the Commission shall have determined will carry out the purposes of this Act, that title to the property shall revert to the

[Mar. 20, 2002]

Commission. If, however, 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 such a 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 the City of Springfield at least 10 days before the date of the hearing, the notice to specify the time, place, and purpose for the hearing, and upon that finding being made, the Commission may cause the real property to be conveyed free of a reverter provision, provided that at least 10 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 law suit in the circuit court of the Sangamon County to enforce the terms of the sale or lease. If a reverter of title to any property is ordered by the court under 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 if the title is acquired through foreclosure of that mortgage or trust deed or by deed in lieu of foreclosure of that 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. The Commission may not sell, convey, transfer, or lease any property pursuant to this Section before a comprehensive master plan has been approved under Section 70.

Section 45. Notice. Before holding any public hearing prescribed in Section 40 of this Act, or any meeting regarding the passage of any resolution to file a law suit, 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 under the terms of this Act. The notice of the time and place fixed for the proceeding shall also be given to such person or persons as the Commission shall deem necessary. The notice may be given by registered mail, addressed to the grantee, lessee, or legal representatives, successors, or assigns, at the last known address of the grantee, lessee, or legal representatives, successors, or assigns.

Section 50. Rules. The Commission may adopt reasonable and proper rules, in accordance with the Illinois Administrative Procedure Act, relative to the exercise of its powers, and proper rules to govern its proceedings, to regulate the mode and manner of all hearings held by it or at its direction, and to alter and amend

[Mar. 20, 2002]

those rules.

Section 55. Official documents. 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, under the official seal of the Commission, shall be evidence in like manner as the originals.

Section 60. Judicial review. Any party may obtain a judicial review of a final order or decision of the Commission in the circuit court of Sangamon County only under and in accordance with the provisions of the Administrative Review Law and the rules adopted under that Law. The circuit court shall take judicial notice of all the rules of practice and procedure of the Commission.

Section 65. Parks. The Commission may set apart any part of the District as a park, except those areas owned, operated, or used for purposes authorized under this Act by organizations or institutions engaged in the delivery or conduct of health care services, education, or research, and may construct, control, and maintain the same or may provide by contract with the Springfield Park District or the City of Springfield for the construction, control, and maintenance of any area within the District set apart as a park.

Section 70. Master plan; improvement and management of District. The Commission shall prepare and approve a comprehensive master plan for the orderly development and management of all property within the District. The master plan, and any amendment to the master plan, shall not take effect, however, until it has been approved by the advisory council and the Springfield city council. The Commission shall take the actions permitted to be taken by it under this Act as it may determine are appropriate 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. In the master plan, the Commission may provide for shared services and facilities within the District for the accredited schools of medicine and the licensed non-profit acute care hospitals within the District.

Section 75. Advisory Council. The Commission must establish an advisory council consisting of 2 representatives, appointed for one-year terms by the Mayor of Springfield, of each recognized neighborhood organization that the Mayor determines has a legitimate interest in the development and improvement of the District. There is no limit on the number of terms to which a person may be appointed as a member. The advisory council shall review and make recommendations to the Commission with respect to the comprehensive master plan to be adopted by the Commission. The advisory council may fulfill such other responsibilities as the Commission may request in furtherance of the purposes of this Act. The advisory council shall meet at the call of the President of the Commission and shall conduct its affairs in accordance with the rules that the Commission may adopt from time to time for the governance and operation of the advisory council.

Section 80. Public hearing. The Commission shall conduct a public hearing prior to either acquiring through eminent domain under Section 20 of this Act real or personal property within the District or approving under Section 70 of this Act a comprehensive master plan. The Commission shall also conduct a public hearing whenever it is otherwise required by law to do so, and may conduct a public hearing whenever it may elect to do so.

The Commission shall conduct the public hearing called by it in accordance with the requirements of the law mandating it, if any, or in accordance with the provisions of this Section if either the law mandating it is silent as to the procedures for its holding or if the Commission elects to hold a public hearing in the absence of any law

[Mar. 20, 2002]

mandating it.

In the absence of any law, or of any procedures in any law, mandating the holding of a public hearing, the Commission may authorize a Commissioner or other person of legal age to conduct a hearing. The Commissioner or other authorized person has the power to administer oaths and affirmations, take the testimony of witnesses, take and receive the production of papers, books, records, accounts, and documents, receive pertinent evidence, and certify the record of the hearing. The record of the hearing shall become part of the Commission's record. 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 the City of Springfield at least 10 days before the date of the hearing.

Section 85. Jurisdiction. This Act shall not be construed to limit the jurisdiction of the City of Springfield to territory outside the limits of the District nor to impair any power now possessed by or hereafter granted to the City of Springfield or to cities generally. Property owned by and exclusively used by 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.

Section 90. Disposition of money; income fund. All money received by the Commission from the sale or lease of any property, in excess of the 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 Illinois Medical District at Springfield Income Fund. The Commission is authorized to use all money received as rentals for the purposes of planning, acquisition, and development of property within the District, for the operation, maintenance, and improvement of property of the Commission, and for all purposes and powers set forth in this Act. All moneys 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 95. Attorney General. The Attorney General of the State of Illinois is the legal advisor to the Commission and shall prosecute or defend, as the case may be, all actions brought by or against the Commission.

Section 900. The State Finance Act is amended by adding Sections 5.570 and 6z-56 as follows:

(30 ILCS 105/5.570 new)

Sec. 5.570. The Illinois Medical District at Springfield Income Fund.

(30 ILCS 105/6z-56 new)

Sec. 6z-56. Illinois Medical District at Springfield Income Fund. All payments received from the Illinois Medical District at Springfield Commission for deposit into the Illinois Medical District at Springfield Income Fund shall be expended only pursuant to appropriation. Amounts in the Fund may be appropriated to the Commission for use in purchasing real estate."

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

[Mar. 20, 2002]

On motion of Senator Bomke, Senate Bill No. 2118 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, Senate Bill No. 2160 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, Senate Bill No. 2216 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, Senate Bill No. 2217 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Weaver, Senate Bill No. 2218 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Weaver, Senate Bill No. 2219 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, Senate Bill No. 2220 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Weaver, Senate Bill No. 2255 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Weaver, Senate Bill No. 2259 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Weaver, Senate Bill No. 2260 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, Senate Bill No. 2285 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, Senate Bill No. 2286 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, Senate Bill No. 2287 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, Senate Bill No. 2288 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Weaver, Senate Bill No. 2289 having been printed, was taken up, read by title a second time and ordered to a third reading.

[Mar. 20, 2002]

On motion of Senator Weaver, Senate Bill No. 2290 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Weaver, Senate Bill No. 2291 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Weaver, Senate Bill No. 2292 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Weaver, Senate Bill No. 2296 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Weaver, Senate Bill No. 2297 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, Senate Bill No. 2298 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Weaver, Senate Bill No. 2299 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Weaver, Senate Bill No. 2304 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Watson, Senate Bill No. 2310 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Weaver, Senate Bill No. 2315 having been printed, was taken up, read by title a second time and ordered to a third reading.

At the hour of 1:56 o'clock p.m., on motion of Senator Weaver, the Senate stood adjourned until Thursday, March 21, 2002 at 9:00 o'clock a.m.

[Mar. 20, 2002]