



HR0105

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HOUSE RESOLUTION

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RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE ONE
3 HUNDRED FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that
4 the Rules of the House of Representatives of the 104th General
5 Assembly are amended by changing Rule 41 as follows:

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(House Rule 41)

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41. Note Requests; Quick Takes.

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(a) The House shall comply with all Illinois laws
9 requiring fiscal or other notes. The notes shall be filed with
10 the Clerk, who shall affix each note with a time stamp
11 endorsing the date and time received, and attached to the
12 original of the bill and available for inspection by the
13 members. As soon as practical, the Clerk shall provide a copy
14 of the note to the Legislative Reference Bureau, which shall
15 provide an informative summary of the note in subsequent
16 issues of the Legislative Digest.

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~~A motion to have any note request deemed inapplicable may
18 be made by the Principal Sponsor of the bill, or by a chief
19 co-sponsor with the consent of the Principal Sponsor, at any
20 time and shall be adopted by a majority of those voting on the
21 motion.~~ No member, except the Principal Sponsor of the bill,
22 may file a request for a note with the Clerk during debate of
23 the legislative measure to which the note relates. ~~At the~~

1 ~~request of the Principal Sponsor of a bill, or by a chief~~
2 ~~co-sponsor with the consent of the Principal Sponsor, a note~~
3 ~~request for the bill as introduced into the House or received~~
4 ~~from the Senate shall be automatically deemed inapplicable if~~
5 ~~(i) one or more House amendments to the bill have been adopted,~~
6 ~~and (ii) a note of the same type for the bill as amended by~~
7 ~~each adopted House amendment has been filed with the Clerk. If~~
8 ~~any such adopted House amendment is later tabled, the note~~
9 ~~request for the bill as introduced into or received by the~~
10 ~~House shall immediately become applicable. A note request~~
11 ~~deemed inapplicable under this Rule shall not be further~~
12 ~~considered and shall not prevent the bill from advancing.~~

13 (b) No bill authorizing or directing the conveyance by the
14 State of any particular interest in real estate to any
15 individual or entity other than a governmental unit or agency
16 may be voted upon in committee or upon Second Reading unless a
17 certified appraisal of the value of the interest has been
18 filed. The appraisal shall be filed with the Clerk of the
19 House, and shall be part of the permanent record for that bill.

20 (c) No bill authorizing the State or a unit of local
21 government to acquire property by eminent domain using
22 "quick-take" powers under the Eminent Domain Act may be voted
23 upon in committee or on Second Reading unless the State or the
24 unit of local government, as applicable, has complied with all
25 of the following procedures:

26 (1) The State or the unit of local government must

1 notify each owner of an interest in the property, by
2 certified mail, of the intention of the State or the unit
3 of local government to request approval of legislation by
4 the General Assembly authorizing the State or the unit of
5 local government to acquire the property by eminent domain
6 using "quick-take" powers under Section 20-5-5 of the
7 Eminent Domain Act.

8 (2) The State or the unit of local government must
9 cause notice of its intention to request authorization to
10 acquire the property by eminent domain using "quick-take"
11 powers to be published in a newspaper of general
12 circulation in the territory sought to be acquired by the
13 State or the unit of local government.

14 (3) Following the notices required under paragraphs
15 (1) and (2), the State or the unit of local government must
16 hold at least one public hearing, at the place where the
17 unit of local government normally holds its business
18 meetings (or, in the case of property sought to be
19 acquired by the State: (i) at a location in the county in
20 which the property sought to be acquired by the State is
21 located, or (ii) if the property is located in Cook
22 County, at a location in the township in which the
23 property is located, or (iii) if the property is located
24 in 2 adjacent counties other than Cook County or in 2
25 adjacent townships in Cook County, at a location in the
26 county or in the township in Cook County in which the

1 majority of the property is located, or (iv) if the
2 property is located in Cook County and an adjacent county,
3 at a location in the other county or in the township in
4 Cook County in which the majority of the property is
5 located), on the question of the acquisition of the
6 property by the State or the unit of local government by
7 eminent domain using "quick-take" powers.

8 (4) In the case of property sought to be acquired by a
9 unit of local government, following the public hearing or
10 hearings held under paragraph (3), the unit of local
11 government must adopt, by recorded vote, a resolution to
12 request approval of legislation by the General Assembly
13 authorizing the unit of local government to acquire the
14 property by eminent domain using "quick-take" powers under
15 the Eminent Domain Act. The resolution must include a
16 statement of the time period within which the unit of
17 local government requests authority to exercise
18 "quick-take" powers, which may not exceed one year.

19 (5) Following the public hearing or hearings held
20 under paragraph (3), the head of the appropriate State
21 office, department, or agency or the chief elected
22 official of the unit of local government, as applicable,
23 must submit to the Chairperson and Minority Spokesperson
24 of the House Executive Committee a sworn, notarized
25 affidavit that contains, or has attached as an
26 incorporated exhibit, all of the following:

1 (A) The legal description of the property.

2 (B) The street address of the property.

3 (C) The name of each State Senator and State
4 Representative who represents the territory that is
5 the subject of the proposed taking.

6 (D) The date or dates on which the State or the
7 unit of local government contacted each such State
8 Senator and State Representative concerning the
9 intention of the State or the unit of local government
10 to request approval of legislation by the General
11 Assembly authorizing the State or the unit of local
12 government to acquire the property by eminent domain
13 using "quick-take" powers.

14 (E) The current name, address, and telephone
15 number of each owner of an interest in the property.

16 (F) A summary of all negotiations between the
17 State or the unit of local government and the owner or
18 owners of the property concerning the sale of the
19 property to the State or the unit of local government.

20 (G) A statement of the date and location of each
21 public hearing held under paragraph (3).

22 (H) A statement of the public purpose for which
23 the State or the unit of local government seeks to
24 acquire the property.

25 (I) The certification of the head of the
26 appropriate State office, department, or agency or the

1 chief elected official of the unit of local
2 government, as applicable, that (i) the property is
3 located within the territory under the jurisdiction of
4 the State or the unit of local government and (ii) the
5 State or the unit of local government seeks to acquire
6 the property for a public purpose.

7 (J) A map of the area in which the property to be
8 acquired is located, showing the location of the
9 property.

10 (K) Photographs of the property.

11 (L) An appraisal of the property by a real estate
12 appraiser who is certified or licensed under the Real
13 Estate Appraiser Licensing Act of 2002.

14 (M) In the case of property sought to be acquired
15 by a unit of local government, a copy of the resolution
16 adopted by the unit of local government under
17 paragraph (4).

18 (N) Documentation of the public purpose for which
19 the State or the unit of local government seeks to
20 acquire the property.

21 (O) A copy of each notice sent to an owner of an
22 interest in the property under paragraph (1).

23 A request for quick-take authority shall not be considered
24 by a House committee fewer than 30 days after the date of the
25 notice to each property owner as required by paragraph (1).

26 Every affidavit submitted by the State or a unit of local

1 government pursuant to this Rule 41(c), together with all
2 documents and other items submitted with the affidavit, must
3 be made available to any person upon request for inspection
4 and copying.

5 (Source: H.R. 15, 104th G.A.)