

Major Bills Passed by the Illinois General Assembly

This issue of *First Reading* summarizes bills as they passed both houses of the General Assembly, and reports on the Governor's actions on them. A total of 854 bills passed both

houses so far in 2009. This issue summarizes 261 bills of general interest, classified into 13 categories.

Major bills that passed both houses provide for re-vamping the state's system of planning for health facilities and services; expanding state revenues from gambling, alcoholic beverages, and motor vehicles; restrictions on using electronic communication devices while driving; doubling the statewide limit on charter schools (with a 2½-fold increase in Chicago); protection of northeastern Illinois groundwater from depletion; and study of a possible coal gasification plant that would store carbon emissions. Other measures will offer more help to military veterans and their families, and raise income limits on eligibility for some social programs. The General Assembly voted to tighten laws on procurement, lobbying, campaign contributions, pension-fund management, open meetings, and access to state records.

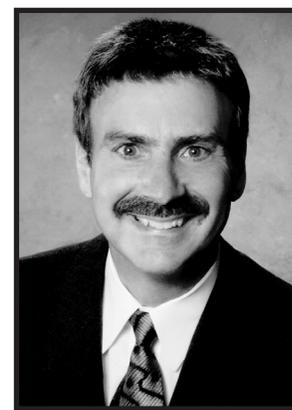
Page 30 of this issue gives Public Act numbers for laws resulting from bills summarized here that were signed by press time. Information on all bills of the 2009 session is available at:

www.ilga.gov/

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Appropriations & State Budget

The state operating budget for fiscal year 2010 is \$54.3 billion—1.9% over last year's \$53.3 billion. Appropriations from the General Funds fell 7.9%, from \$28.3 billion to \$26.1 billion; but appropriations from other state funds and federal funds rose 13.0%, from \$25.0 billion to \$28.2 billion.

The state's operating budget for fiscal year 2010 was passed in four House and two Senate bills. The Governor reduced some appropriations in House Bills 2129 and 2132, and in Senate Bill 1221. The General Assembly did not override the reductions in S.B. 1221, so it became law at the reduced levels. The General Assembly had not responded to the Governor's reductions in either House bill at press time. The other bills—House Bills 2194 and 2206, and Senate Bill 1216—became law as originally passed. Two other appropriations bills—H.B. 2145 and S.B. 1197—passed the General Assembly but were vetoed by the Governor in early July.

In early April, the General Assembly and Governor approved a total of \$8.4 billion in supplemental appropriations for FY 2009. They consisted of \$4.0 billion in operating appropriations and \$4.4 billion in capital appropriations, mostly for transportation projects. Most of the supplemental appropriations came from federal funds received under the American Recovery and Reinvestment Act of 2009 (ARRA).

The FY 2010 General Funds operating appropriations were made in lump sums rather than being appropriated for specific line items, leaving some discretion in where to cut spending.

Amounts appropriated do not necessarily reflect final spending authority for the fiscal year. Senate Bill 1216 authorized the Governor to direct \$3.5 billion—presumably freed up from the sale of pension obligation bonds by S.B. 1292. Of that sum, \$2.2 billion must be used for human service providers and programs; the remainder, about \$1.2 billion, has no similar restriction. The Governor has said that appropriations still exceed projected revenues, and that he will further limit spending (impound funds) at some agencies.

The agencies getting the largest dollar increases (before the Governor's \$3.5 billion allocations) are the State Board of Education (\$914 million, +9.3%); Department of Commerce and Economic Opportunity (\$646 million, +36.0%); Department of Revenue (\$278 million, +22.4%); Emergency Management Agency (\$171 million, +41.1%); and Secretary of State (\$118 million, +29.1%).

The State Board increase consists of using more federal funds for General State Aid; reimbursing mandated categorical programs at 100%; and providing spending authority for ARRA funds, which may be spent over the next 2 years. Similarly, the Department of Commerce and Economic Opportunity's increase was largely due to an increase in federal funds (mainly ARRA-related); transfers of low-income energy assistance and weatherization programs to DCEO in 2009; and capital projects. The increase going to the Department of Revenue was due to federal funds, which soared from \$100,000 in FY 2009 to over \$345 million in FY 2010. These are mostly ARRA funds for low-income housing with the Illinois Housing Development Authority, for which the Department of Revenue is the "funding agent." The Illinois Emergency Management Agency's appropriations from federal funds rose to authorize it to spend any funds from the federal government, or appropriated in previous years but not yet used, in case of serious disasters. The Secretary of State's increase is largely due to an increase in General Funds spending, to be offset by an expected reduction in Road Fund spending.

The agencies with the largest dollar declines (before the Governor's discretionary allocation of the \$3.5 billion) were the Department of Human Services (-\$1.6 billion, -26.1%); Teachers' Retirement System (-\$1.3 billion, -94.1%);

Department of Healthcare and Family Services (-\$907 million, -5.4%); Department of Children and Family Services (-\$319 million, -24.1%); Department on Aging (-\$224 million, -35.8%); and Student Assistance Commission (-\$182 million, -23.4%).

The Governor announced that four of those agencies will likely get some of the \$3.5 billion in discretionary funds. The Department of Human Services would get \$1.4 billion, limiting its decrease to \$228 million (3.8%); the Department of Healthcare and Family Services would get \$1 billion, for a net increase of \$45 million (0.3%); the Department of Children and Family Services would get \$272 million, limiting its decrease to \$56 million (4.2%); and the Department on Aging would get \$342 million, for a net increase of \$117 million (18.6%).

The Teachers' Retirement System decrease is due to elimination of General Funds support. This will not stop retirement contributions, because spending is authorized under the State Pension Funds Continuing Appropriation Act. Spending will be funded by \$3.5 billion in pension notes authorized under S.B. 1292. The Student Assistance Commission decrease is due to \$187 million in cuts to the Monetary Award Program (MAP).

Elementary and secondary education gets \$353 million (3.2%) less from all funds than last year, primarily due to the Teachers' Retirement System decrease. Local education's share of the total budget fell from 20.8% to 19.9% (see Figure 1 on page 3). Its share of General Funds spending also fell, from 31.0% to 27.9%. The foundation level per student in 2009-10 will be \$6,119, up \$160.

State college and university appropriations from all funds fell \$355 million

(12.0%) to \$2.6 billion; the percentage of the state budget going to higher education dropped from 5.6% to 4.8%. Higher education's share of General Funds spending also dropped, from 8.4% to 7.7%.

Total appropriations for operations were \$1.4 billion (2.7%) higher than the Governor's budget recommendation; General Funds appropriations for operations were \$2.3 billion (8.3%) below his recommendation.

A capital plan called "Illinois Jobs Now!" by the Governor's office was approved in July. It includes about \$31 billion in spending over 6 years. The FY 2010 appropriations for the plan, made in H.B. 312 and S.B. 1221, include both new appropriations and reappropriations. Most of the spending authority is for the Department of Transportation. The plan was contained in seven bills. Two established new revenue sources (H.B. 255 and S.B. 349—see "Revenue" article on p. 20); one expanded the state's bonding authority (H.B. 2400); two were budget implementation bills (H.B. 2424 and S.B. 1959); and two made appropriations (H.B. 312 and S.B. 1221).

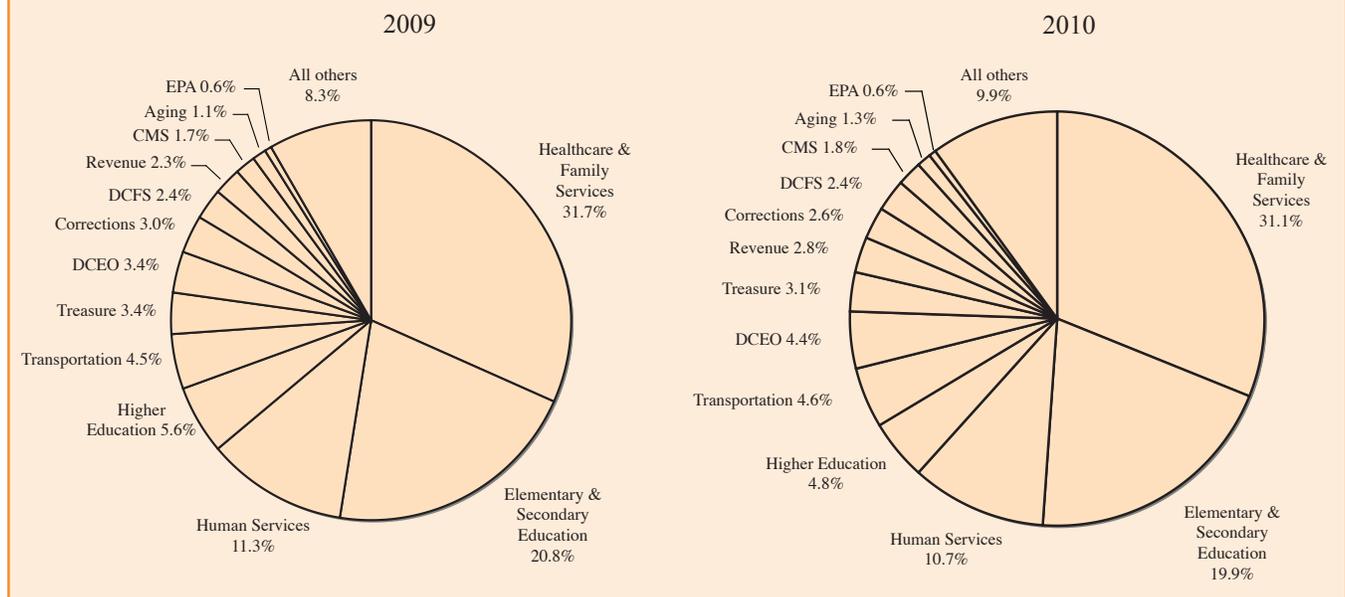
Four bills raised the state's bond limits:

<i>Bill</i>	<i>Bond</i>	<i>Increase</i>	<i>Primary purpose</i>
H.B. 289	G.O.*	\$3 billion	Transportation (mini capital plan)
S.B. 1609	G.O.R.†	\$2 billion	Cost savings
H.B. 2400	G.O.	\$2.8 billion	Transportation (capital plan)
" "	Build Ill.	\$810 million	Public infrastructure (capital plan)
S.B. 1292	G.O.	\$3.5 billion	Pension contribution

* General Obligation bonds

† General Obligation Refunding bonds

Figure 1: Allocation of Appropriations by Program Area (excluding capital projects)



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Business & Economic Development

The General Assembly voted to create an Illinois Urban Development Authority that can issue \$500 million in bonds to promote development in municipalities with high poverty rates; require a study of a possible coal gasification plant in Chicago that would store carbon emissions; and create a council to promote use of Illinois foods. Other bills will allow electronic checking of employment eligibility with some restrictions, and add some restrictions on use of job training grants.



Day Labor Agency Location Restriction. A day or temporary labor service agency in Chicago may not do business within 1,000 feet of a local public or private school, or Boys and Girls Club, unless it was registered with the Department of Labor and received an occupancy permit for the location before 2008. Home rule is pre-empted (H.B. 866, Osterman-Fortner-Harris—Steans-Harmon).

Employment Eligibility Checks. Before choosing to enroll in an Electronic Employment Verification System, employers are urged to check information to be posted on-line by the Illinois Department of Labor on that system's accuracy and employers' legal responsibilities in using it (replacing a ban on using such systems). Employers that enroll must comply with current Illinois requirements including posting notices, training employees in the system, and not using it to verify an applicant's eligibility before hiring or completion of a Form I-9. An employer may not take adverse action against an employee before receiving a final nonconfirmation notice from the federal government. Pretending to be an employer to enroll in the system, or using it to get information on a non-employee, is prohibited (S.B. 1133, Martinez—Currie-Soto-Ramey-Hernandez et al.).

Gas From Coal. The Illinois Power Agency must seek cost projections for a substitute natural gas (SNG) plant that would be built on a brownfield site in Chicago, use petroleum or high-sulfur coal as feedstock, and store carbon emissions. A report must go to the General Assembly and the Agency by April 30, 2010. The Agency will then

consider whether to enter long-term contracts to buy SNG from the planned facility (S.B. 658, Trotter-Forby-Jacobs-Clayborne-Luechtefeld et al. —Colvin-Dunkin-Beiser-Riley-Graham et al.).

Illinois Foods Promotion. The Department of Agriculture is to set up a Local Food, Farms, and Jobs Council with 35 members—29 people involved in producing food or getting it to users, and 6 state agency employees. It can encourage state agencies to buy Illinois foods; help Illinois farmers expand their sales; develop a labeling program (separate from "Illinois Product") for Illinois foods; and set goals for Illinois residents' use of Illinois foods. All state entities that buy food must develop a system for identifying the percentage coming from Illinois in fiscal year 2011, and for annually tracking and reporting food bought. Goals in this act are that by 2020, 20% of food bought by state agencies, and 10% by entities funded at least partly by the state and spending over \$25,000 per year on food, will be from Illinois. Bidders offering Illinois foods for state food contracts may be preferred if their food cost is no more than 10% above those in other bids (H.B. 3990, Hamos-Sacia-Dugan-Cultra-Flider et al.—J.Collins-Koehler-Frerichs-Steans et al.).

Internet Games Cancellation. Possible Internet game service provider service cancellation methods are expanded to include e-mail, instant messaging, and similar methods (H.B. 617, Poe et al.—Holmes).

Job Training Grants. Grants by the Department of Commerce and Economic Opportunity (DCEO) for employee

training on skills in critical demand may not be used to train unauthorized aliens. DCEO no longer must do on-site grant monitoring visits, but may use such visits to verify trainee employment dates and wages (added to existing purposes). Each grant applicant, on request, must prove that all trainees work in Illinois. The Department may audit submissions for accuracy (H.B. 624, Crespo-Pihos-Boland—Kotowski-Noland-Holmes).

Urban Development Authority. An 11-member Illinois Urban Development Authority can issue up to \$500 million in bonds, maturing in up to 35 years, to promote development by financing commercial, industrial, and housing projects in municipalities with poverty rates more than 3% above the state average. It will have 9 members appointed by the Governor, and one each appointed by the Chicago Mayor and Cook County Board President. It must file annual reports and issue a 4-year economic development strategy for each such municipality (H.B. 264, Miller-W.Davis-Riley et al.—Meeks-Harmon-Raoul-J.Collins-Hendon).

Utility Denial Due to Credit Report. Public utilities (added to insurers) may not deny, cancel, or refuse to renew service or policies based solely on credit information. They must give notice of denial, cancellation, or non-renewal and an opportunity for explanation of credit information (H.B. 418, M.Davis-Ford—Haine). □

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Civil Law

The General Assembly passed several bills addressing problems with troubled or foreclosed condominium or rental property, and regulating sales of time-share interests. Other bills address DNA testing to determine paternity; evidence of past sexual behavior in civil cases; and viatical settlements on life insurance policies.

Bowling Center Liability. Starting next January, bowling center operators, who post a warning set forth in this bill about wearing bowling shoes outside the building, will be immune from civil liability (except for willful and wanton misconduct) for accidents due to a bowler's tracking in a substance from outside (S.B. 1335, Trotter-Steans-J.Collins et al.—Mautino-Burke-Lyons-Tryon-Yarbrough et al.).

Children. DNA tests of paternity. Forms for acknowledging or denying paternity must say that the mother, and alleged or presumed father, have a right to request DNA tests, which signing the forms will waive. In any suit or administrative proceeding on paternity, the presiding officer must advise the non-filing party of the right to request an order for DNA testing (H.B. 4008, J.Gordon-Froehlich—Martinez-Harmon-Koehler).

Visitation interference. In addition to the changes just described, the crime of visitation interference is expanded to include interfering with parenting or custody time by keeping a child from the parent entitled to that time (S.B. 1628, Martinez—Mell-Froehlich-M.Davis).

Visitation methods. A court may grant electronic communication (such as telephone, e-mail, and/or instant messaging) as part of visitation between a child and the noncustodial parent (S.B. 1590, Althoff-Martinez—Pihos-Mathias-Froehlich et al.).

Emergency Worker Death Claims. The Court of Claims must have a program to help families of police, fire, civil defense, and similar workers killed on duty to file claims under the Line of Duty Compensation Act (S.B. 1493, Viverito-Raoul-Noland-Haine et al.—Zalewski-Franks-Chapa LaVia-Farnham-Moffitt et al.).

Guardianship. The Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act is adopted in Illinois. It creates rules for determining jurisdiction among states in adult guardianship cases, and governs communications between courts of different states in those cases (H.B. 759, Ryg-Pihos—Silverstein).

Real Estate. Condo receivership. A municipality can ask a court to appoint a receiver for condominium properties that have many vacancies, foreclosures, utility cutoffs, or squatters. A court may appoint a receiver to take possession and manage such a property. The court may further declare it nonviable as a condominium and declare that it is owned in common by the unit owners. If the receiver sells the property, the proceeds after costs, taxes, and clearing liens will go to unit owners in proportion to their former shares of ownership in the common elements (H.B. 688, Colvin-Dunkin-Turner-Graham-Hamos et al.—J.Collins-Hunter-Martinez et al.).

Condo unit sale. If a condominium unit owner is selling, the association may not exercise a right of refusal, option to buy, or right to disapprove because the buyer's financing is guaranteed by the Federal Housing Authority (apparently meaning Federal Housing Administration) (H.B. 155, Ford—Lightford-Martinez-Holmes-J.Collins).

Foreclosure sale challenge. If a person who was entitled to notice of a mortgage foreclosure sale did not get it, and is a mortgagor in residence on the property, that person need not file a bond to challenge the sale (H.B. 2005, Thapedi-Currie-Fritchey-Yarbrough-Black et al.—J.Collins).

Foreclosure—tenant notification. Occupants of dwelling units on which a



mortgage foreclosure or judicial sale has occurred must be given notice by the new owner that control of it has changed; a number to call with questions; and information on the case. No rent can be collected without first providing that information. Mortgagees in possession and court-appointed receivers must provide similar notices (H.B. 3863, Burns-Graham-Lang-Coulson-Boland et al.—J.Collins-Martinez-Silverstein-Wilhelmi-Harmon et al.).

Meth-house disclosure. A seller of residential real property must disclose any knowledge that it has been used for making methamphetamine (H.B. 214, Smith-Holbrook-Jackson-Verschoore-Beiser—J.Sullivan-Holmes-E.Jones).

Time-share regulation. A real estate time-share listing agreement must give detailed information on the resale agent; relationships among the agent and other entities; and all fees and costs. A resale agent's purchase agreement must say whether all taxes and assessments on the property are paid, and where to see condo association governing documents if any—but this and related requirements will not apply to an agent offering no more than eight time-share interests per year. A resale agent must be licensed as a real estate broker or salesperson. The entity managing a time-share plan can record liens on time-share interests for assessments, taxes, interest, and fees; and after giving notice and allowing time to cure, can foreclose and sell the property at public auction (S.B. 2112, Harmon-Wilhelmi-Noland-Dillard—Reitz et al.).

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Criminal Law

The General Assembly passed several bills to increase penalties for DUI, and restrict use of electronic communication devices while driving; offer more protection to victims of domestic violence, stalking, and sex crimes; and protect schools from bomb threats or blocking of their operations. Nonconsensual electronic recording of conversations will be allowed in limited situations to protect life or safety. Other bills will allow addiction recovery groups to meet 1 hour per week in prisons, and require reviews of state sentencing policies and parole practices.

Animal Fighting. *Dog ownership after release.* Felony dog fighting is added to a list of crimes whose commission will result in a ban on owning an unsterilized or vicious dog for 10 years after release from prison (H.B. 934, Boland-Crespo et al.—Haine-Holmes).

Penalty increases. Making, selling, or owning equipment, or providing premises, for animal fighting is raised from a Class A misdemeanor to a Class 4 felony for a first offense (Class 3 if a repeat offense). Attending an animal fight is raised from a Class C misdemeanor to a Class 4 felony (Class 3 if a repeat offense). Soliciting a minor to violate any of these prohibitions is raised from a Class A misdemeanor to a Class 4 felony (Class 3 if repeat) (H.B. 69, Colvin-Hernandez-Lang et al.—J.Collins-Cronin-Holmes-Noland et al.).

Air Rifle Use. Assault and battery become the aggravated forms of those crimes if the offender used an air rifle in committing them (S.B. 211, J.Collins—Thapedi-Howard-Reboletti-Wait-Sacia et al.).

Arsonists must pay costs of \$1,000 to \$10,000 for each department that fought fires they set (H.B. 2669, Pritchard-Sacia-Moffitt et al.—Risinger-Bivins).

Child Pornography, committed by photographing persons under 18 in sex acts or sexual poses, is added to the list of crimes with no statute of limitations. Any act of child pornography

will constitute a “sexually violent offense” that could result in post-release commitment under the Sexually Violent Persons Commitment Act. The parent or guardian of a victim of child pornography can address the court at sentencing about its impact on the child. A new aggravating factor in sentencing (apparently for child pornography) is that the defendant committed child pornography with depiction of a minor in various described kinds of poses (H.B. 2670, Fortner-Froehlich-Farnham-Crespo-Mathias—Hultgren et al.).

Correctional Facilities. *Addiction recovery groups.* Each Department of Corrections or Department of Juvenile Justice institution must offer a room for volunteer-led addiction recovery meetings 1 hour per week. Volunteers for recovery support organizations seeking to provide such services must apply to the Department (H.B. 2574, Mell et al.—Martinez-Righter-Millner).

Charging prisoners for costs. Jail wardens can deduct money from the accounts of prisoners in jail to pay their outstanding fines, restitution, and court costs (S.B. 2095, Bivins-Millner-Haine et al.—Sacia-Pritchard).

Corrections Reform. *Parole practices.* The Parole Division of the Department of Corrections and the Prisoner Review Board are to adopt regulations and policies to use a statewide, standardized risk assessment tool based on evidence-based practices in supervising offenders and ex-offenders. The



tool is to be developed by a task force under the Governor (S.B. 1289, Raoul-Wilhelmi-Steans—Burns-Durkin-Turner-Connelly-M.Davis et al.).

Sentencing policies. An Illinois Sentencing Policy Advisory Council, consisting of the Governor, Attorney General, and legislative leaders (or their designees) and other members, will review state sentencing policies and report annually through 2012 to the General Assembly and Governor (S.B. 1320, Dillard-Millner-Cullerton—Turner-Reboletti-Howard-Durkin-Fritchey et al.).

Confidential Licenses. The Secretary of State may issue fictitious identification cards, drivers' licenses, and license plates to local, state, and federal agencies for undercover investigation, and revoke them if they are used for other purposes. If a traffic citation is issued identifying such a card or license, but investigation shows that the violation was not related to the confidential activity, the real person to whom it was issued can be held liable (S.B. 1512, Koehler—Phelps).

Day-Care Burglary or Robbery. Burglary or robbery, normally a Class 2 felony, becomes a Class 1 felony if committed in a place that provides day care for children (H.B. 10, Beiser-McAsey-Dunkin-Holbrook—Haine).

Disarming Police or Prison Staff is raised from a Class 2 to a Class 1 felony and cannot result in probation

(H.B. 584, Sacia-McAuliffe-Connelly-Reboletti-Moffitt et al.—Munoz-Bivins).

Domestic Violence. *Electronic surveillance of offender.* A requirement that courts order a person charged with violating an order of protection to have a risk assessment evaluation is changed to allow courts discretion to order such evaluations before deciding whether to order electronic surveillance. Electronic surveillance of released domestic violence offenders must have capability to offer immediate notification of police, and police communication with the victim, if the offender enters an exclusion zone. An offender must pay for electronic surveillance; but a court can reduce or waive a fee if it would impose an undue burden on the victim (H.B. 2660, Bassi-Cross-Bellock-Coulson-Crespo et al.—Garrett-Murphy-Schoenberg-Hutchinson-J.Collins et al.).

Notifying medical facilities. At a petitioner’s request, the court is to send copies of an order of protection to specified medical facilities and practitioners, which thereafter may not give the respondent records of a child protected by the order. Petitioners can also have copies of orders sent to schools and day-care centers, which will then be subject to a similar prohibition (S.B. 145, Righter—Rose-Durkin-Farnham et al.).

Driving Under the Influence. *Aggravated.* Committing DUI (formerly, committing a repeat DUI offense) after committing reckless homicide constitutes aggravated DUI, which is raised from a Class 4 felony to a non-probationable Class 3 felony. Urine tests (added to blood tests) for DUI, done during emergency treatment, are to be admissible in prosecutions for DUI and reckless homicide (H.B. 2649, Reboletti—Kotowski-Harmon-Holmes).

Eluding police. A holder of a Monitoring Device Driving Permit, who commits aggravated fleeing or attempting

to elude police, will lose the permit (H.B. 914, Froehlich—Bond).

Penalties. DUI offenders who get court supervision must pay an additional \$50 to the Roadside Memorial Fund for memorials to victims of DUI-related crashes (H.B. 881, Mendoza-Froehlich-Berrios-Ramey et al.—Dillard-Harmon-Hunter-J.Collins).

Restitution. Courts are directed to require persons convicted of DUI (added to Criminal Code violations) to make restitution to victims (H.B. 2650, Reboletti—Hultgren et al.).

Supervision. Having two supervisions in the past 12 months for non-DUI violations of the Vehicle Code will not prevent a defendant charged with DUI from receiving a first grant of supervision for DUI (H.B. 1116, Durkin—Millner-Harmon).

Driving (Other Offenses). *Cellphone use.* Using a cellphone is prohibited while driving in a school speed zone, or road construction or maintenance zone, with exceptions for police and emergency workers; workers in a highway work zone; emergency calls; and voice-activated use (H.B. 72, D’Amico-Black-Jakobsson-Arroyo-Lyons et al.—Althoff-Sandoval-Crotty).

Texting. Writing, sending, or reading an electronic text message while driving is prohibited, with exceptions for police and emergency personnel; drivers communicating with authorities in emergencies; drivers stopped in traffic with vehicles out of gear; and hands-free use (H.B. 71, D’Amico-Black-Jakobsson-Holbrook-Arroyo et al.—Sandoval-Silverstein-Althoff-Frerichs et al.).

Uninsured driving. Any uninsured driver who causes bodily harm by driving will commit a Class A misdemeanor (H.B. 370, Bradley-Froehlich-Black—Forby-Holmes).

Eavesdropping Exceptions. *Child sex crimes.* Several sex crimes against

children are added to child pornography as crimes in the investigation of which police can record a conversation with one party’s consent (H.B. 1348, Senger-Connelly—Hultgren-Dillard et al.).

Hostage situations. Use by police or persons acting on their behalf of eavesdropping devices during a hostage or barricade situation to protect the public, hostages, or police is exempt from eavesdropping prohibitions (S.B. 2026, Millner et al.—Mendoza-Franks-Chapa LaVia-Ryg).

Traffic stops. An exception to the eavesdropping prohibition, for recording conversations between a police officer and motorist stopped for investigation of a traffic offense, is expanded to apply to police stops of motorists or pedestrians for a variety of assistive or enforcement purposes. Such a recording must be kept at least 90 days (or indefinitely if a related court or administrative proceeding is pending) (H.B. 1057, Dugan-C.Gordon et al.—Hutchinson).

Ex-Offender Employment. The Department of Financial and Professional Regulation must adopt rules allowing a person with a criminal record to apply for an advisory opinion on whether it would bar a specific professional license or certification (unless a statute expressly bars such licensing). The standard for a court to use in deciding whether to grant a certificate of relief from disabilities, to a person who has been convicted of no more than two felonies and whose record does not include any of the more serious felonies, is changed from discretionary to based on clear and convincing evidence that the statutory criteria are met. Somewhat similar changes are made to the standards for awarding certificates of good conduct to ex-offenders. Employers will not be civilly or criminally liable for hiring ex-offenders who were granted certificates of relief or good conduct, absent a “willful or

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Criminal Law

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wanton act” in so hiring. A certificate of good conduct cannot restrict employers from getting an ex-offender’s criminal background information, nor does it expunge or change that record. Authority to issue certificates of relief from disabilities, and certificates of good conduct, is transferred from the Prisoner Review Board to the court of conviction, and will require a showing that specific parts of state law adversely affect the ex-offender. The court can revoke a certificate of good conduct upon a later conviction (S.B. 1050, Raoul-Hunter—Currie).

False Information to Police. A new Class A misdemeanor called obstructing identification will be committed by giving a false name, address, or birthdate to a police officer after being arrested or detained, or questioned by an officer who has good cause to think the person witnessed a crime (S.B. 1655, Murphy et al.—Mathias et al.).

Firearms. Aggravated crimes. Students are added to the persons protected by a section that declares firing a firearm on school grounds, resulting in injury to someone, to be aggravated battery with a firearm. Increased penalties will also apply to possessing a machine gun, short-barreled gun, bomb, or silencer if committed in a public transit vehicle or within 1,000 feet of a public transportation terminal; and to possession of weapons such as clubs, dangerous knives, or tear gas guns in public transit vehicles or within 1,000 feet of public transport terminals (H.B. 867, Osterman-Harris-Lang-Graham-Reboletti—Munoz-J.Collins-Hunter et al.).

Fee waiver for military. Military personnel (including those in the National Guard and Reserves) are exempted from the \$10 Firearm Owner’s Identification Card (FOID card) application fee (H.B. 4198, Stephens-Bost-Ramey-J.Mitchell-Hatcher et al.—Frerichs-Harmon-Noland et al.).

Invitee exception. An exception is added to prohibitions on carrying a firearm or taser in a vehicle, concealed, or in a public place: that the carrier is an invitee on another’s premises and has the other person’s permission (H.B. 182, Bradley-Froehlich-Verschoore et al.—Haine et al.).

Orders of protection. A FOID card must be denied or revoked if the holder or applicant is, or was when it was issued, subject to an order of protection (denial of such a card formerly was discretionary in such cases). The FOID card of a person against whom an order of protection is sought, and who is found to present a danger of illegal use of a firearm, is to be taken by police for safekeeping (in addition to the person’s firearm(s) as under current law) (H.B. 3991, Coulson-Connelly-E.Sullivan-Senger-Pihos et al.—Steans-Althoff-Schoenberg).

Transfer or use in crime. Transferring a firearm to a felon is raised from a Class 4 to a Class 3 felony. A new crime of using a stolen firearm to commit a crime is created as a Class 2 felony, for which the sentence must be consecutive to any other sentences imposed at the same time (H.B. 1032, Flider-Froehlich—Frerichs-J.Collins et al.).

Forfeitures for Crime. Metal theft. Any vehicle or vessel used with its owner’s consent to steal precious or scrap metal is subject to seizure and forfeiture (H.B. 4013, Brauer-Sacia-Franks-Farnham-Chapa LaVia—Haine-Harmon).

Omnibus act. Separate provisions on forfeiture of property used in dog or other animal fighting; human trafficking; keeping a place of juvenile prostitution; exploitation of a child; obscenity; child pornography; computer fraud; WIC fraud; and terrorism are replaced by a new Article 124B of the Code of Criminal Procedure, with more detailed provisions on forfeitures of property used in those crimes (S.B. 1325, Dillard-Millner-Cullerton—Turner-Reboletti-Howard-Durkin-Fritchey et al.).

Gang Recruitment of minors by threatening physical force becomes a Class 1 felony (S.B. 141, Sandoval et al.—Hernandez-Farnham et al.).

Harmful Materials to Minors. Exhibiting or depicting harmful materials to a minor is added to the list of prohibited actions that include selling, lending, distributing, or giving away such materials to a minor (H.B. 2513, Pritchard—Haine-Harmon).

Identity Theft Penalties. Identity theft against a person 60 or older, or as part of an organized gang (which is aggravated identity theft under current law), and committed as a step toward another crime, is raised from a Class 3 to Class 2 felony. If the perpetrator steals information on three or more persons within 12 months, it becomes a Class 1 felony (H.B. 597, Nekritz-Riley-Pihos—Kotowski-Harmon et al.).

Judicial Sale Rigging. A new crime consists of manipulating a judicial sale of real or personal property by agreeing with another to restrict participation or bids. A first offense will be a Class 3 felony and a repeat offense a Class 2 felony. A fine must be imposed, limited to \$1 million on a corporate defendant or \$100,000 on any other defendant. A private right of action for damages against violators is also created. Anyone convicted cannot participate in bidding at judicial sales for 5 years (H.B. 3885, McAsey—Millner).

Juvenile Detention at Home. Delinquent minors can be put on electronic home monitoring if they consent. Minors adjudicated delinquent for the most serious crimes are ineligible (H.B. 2678, Washington-Howard-Reboletti-Eddy—Delgado-E.Jones-Lightford).

Military and Veteran Sentencing. Special courts. A task force will investigate and recommend to the General Assembly a system of specialized

military and veterans' courts (presumably within existing circuit courts) to take into account service-related mental health problems and other circumstances faced by military members and veterans (H.B. 4212, Tryon-Stephens-Bost-Wait-Ramey et al. — Althoff-Hutchinson).

Treatment options. If a convicted person is in the military or a veteran, and has been diagnosed with a mental illness, the court may order the preparer of the presentence report to consult with federal and state military agencies on available treatment options before sentencing (H.B. 2281, Bellock-Chapa LaVia-Stephens-Golar-Reboletti — Althoff-Dillard-Lauzen et al.).

Money Laundering. Specific felony classifications are created for laundering by transferring a monetary instrument to avoid state transaction reporting requirements. The crime will range from a Class 3 felony if the value is up to \$10,000, to a non-probationable Class 1 felony if the value exceeds \$500,000 (H.B. 2353, Joyce — Mahoney-Harmon et al.).

Parole Violations. Parole officers are to request, and the Department of Corrections is to issue, a parole violation warrant whenever a parolee is charged with domestic battery, stalking, violating orders of protection, or any crime requiring registration as a sex offender; the officer or Department is to file a violation report with the Prisoner Review Board. Parole officers for domestic batterers, stalkers, and violators of protection orders must have at least 40 hours of domestic violence and partner abuse intervention training. The period of mandatory supervised release of such a parolee is 4 years (H.B. 2541, Howard-Washington-Turner-Reboletti-Graham et al. — Hunter-Raoul-Lauzen-J.Collins-Holmes et al.).

School Crimes. Bomb threat. A maker of a bomb threat against a school must reimburse any governments that

employ emergency responders sent to search it (H.B. 4049, Schmitz-Reboletti-Mathias — Noland).

Interfering with use. The crime of blocking, detaining, or otherwise physically interfering with staff or students at a college is expanded to apply to elementary and secondary schools supported by public funds. If a threat of personal injury or property damage is involved, it will be a Class 3 felony punishable by 2 to 10 years in prison (H.B. 557, Chapa LaVia-Franks — Holmes-Harmon-Steans).

Threatening violence. Sending a threat to destroy a school building or property, or to injure or kill anyone at a school, becomes disorderly conduct as a Class 4 felony (H.B. 1105, Reboletti-Schmitz-Franks-Chapa LaVia-Farnham — Murphy-Harmon-Cronin).

Secret Compartments. A ban on having a vehicle with a false or secret compartment will apply only if there is criminal intent and the compartment is, or has been, used to conceal a firearm or illegal drug. A ban on installing such a compartment will apply only if the installer knows that someone intends to conceal firearms or illegal drugs in it. A sentence for violating these bans must be consecutive to one for possession of contraband in such a compartment (S.B. 243, Munoz-J.Collins — Franks).

Sex Crimes. Limitations period; incest. Misdemeanor criminal sexual abuse of a child can be prosecuted until the victim turns 28. The crime of sexual relations within families is expanded to apply to aunts and uncles, grandparents, and step-grandparents of adults, and to a person who has lived in the same household with the child victim for at least 6 months (formerly 1 year) (H.B. 224, Gordon-Reboletti-McAsey-Wait et al. — Demuzio).

No-contact order enforcement. The persons who may apply for an order barring contact by a person who engaged in nonconsensual sexual acts are expanded to include family or household

members, and rape crisis center staff. Persons who aided such acts can be sued as additional respondents. The requirements that courts may impose on respondents are greatly expanded to include, among other things, avoiding “nonphysical contact;” not interfering with a petitioner’s property or animals; and transferring to another school if both parties attend the same school. The petitioner may testify in chambers, with counsel present, if testifying in court would cause serious emotional distress. A no-contact order may be indefinitely extended for good cause shown. Such orders from other states may be enforced in Illinois and vice versa, if otherwise allowed. They may be enforced by civil contempt or criminal proceedings. In a contempt proceeding, the person against whom an order was issued may be jailed without a hearing if there is evidence of intent to flee or inflict more harm. Courts are encouraged to jail a violator at least 24 hours for a first violation and 48 hours for each repeat violation, and otherwise to increase penalties for repeat violations (H.B. 3918, Fritchey-Ramey-Reboletti et al. — Wilhelmi-Harmon-J.Collins).

Victim under disability—treatment consent. An adult who has a guardian, health care surrogate, or agent under a health care power of attorney need not have that person’s consent for emergency medical or forensic services after a sexual assault. An investigating police officer can authorize release of evidence of such an assault if the guardian, surrogate, or agent is unavailable or does not consent (H.B. 4081, Ryg-Verschoore-Coulson-Jakobsson et al. — Hunter-Holmes et al.).

Sex Offenders. Concealing Internet use. Sex offenders on probation or supervision may not knowingly use third-party software to erase Internet browser history from a computer (H.B. 550, Pihos-C.Gordon et al. — Hultgren).

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Education

Bills that passed both houses will double the statewide limit on charter schools, with most of the increase within Chicago; allow downstate districts to borrow against all anticipated tax revenues, and against state aid; and strengthen safeguards against teacher misconduct. Subject to funding, scholarships or loans are to be offered to increase training of nurses as educators, and of lawyers and veterinarians to serve in public agencies or underserved areas. Marketing of credit cards to college students will be limited.

Bills Applying to All Education Levels

Civil Defense Shelters. Schools outside Chicago must (formerly may) make buildings available as civil defense shelters. Pre-selected buildings at public universities and community colleges must be available for emergency purposes in cooperation with local, state, and federal emergency agencies (S.B. 204, Demuzio-Maloney—Hoffman-Dugan-Chapa LaVia).

College Credit in High School. The Illinois Community College Board and Board of Higher Education must oversee programs allowing students in high school to take college courses for credit at both levels. Standards for such programs are stated (H.B. 1079, Eddy-Black-J.Mitchell-Fortner-McCarthy et al.—Demuzio-Maloney).

Educational Discrimination. A provision in the Human Rights Act exempting non-religious educational institutions, at the nursery to graduate levels, from Department of Human Rights jurisdiction over their course offerings and content is changed to say that exercise of free speech and religion are not civil rights violations, and the Department has jurisdiction only over denials of admission or services, or allowing continued harassment of a person (H.B. 2547, Fritchey—Steans).

Salary Reporting. The base salaries and the benefits of administrators and teachers must be reported annually by

local schools, community colleges, and state universities to the State Board of Education or Board of Higher Education (H.B. 2235, M.Davis-Franks-Boland-Ramey-Crespo et al.—Lightford).

Sign Language. School boards are encouraged to offer American Sign Language (ASL) as a foreign language. State universities and community colleges may accept ASL courses for admission and foreign language study requirements (H.B. 725, Watson et al.—Hultgren).

Teacher Education. The Grow Your Own Teacher Education Act is amended by basing the definition of “hard-to-staff school” on low-income enrollment rather than on high teacher attrition rates. Candidates for forgivable loans under the Act must have had their educations interrupted after high school or during college, and may not have bachelor’s degrees (H.B. 392, Golar-Acevedo-Jefferson-Turner-Burns et al.—Martinez-J.Collins).

Elementary & Secondary Education Bills

Borrowing. Downstate districts may take loans from banks or (added) other financial institutions, against tax revenues anticipated to all funds (formerly only to educational and building funds), up to the current limit of 85% of the latest year’s tax levy. They may similarly borrow against state aid, in amounts up to 85% of current-year aid and 50% of the next year’s



aid. Special education cooperatives, joint education organizations, and regional superintendents may similarly borrow against the current and next year’s state payments, but must repay within 60 days after such payments arrive (H.B. 999, Eddy-Black et al.—Demuzio).

Charter Schools. The statewide limit on charter schools is doubled to 120, of which 75 (formerly 30) may be in Chicago, including 5 for high school dropouts. The remaining 45 may be in any counties. The State Board must convene a task force to study the need for an independent charter school authorizer, and report to the Governor and General Assembly by next January. The Chicago Public Schools may contract with private entities to operate up to 30 contract schools, and up to 5 contract turnaround schools in locations where schools have not made adequate yearly progress under federal law (S.B. 612, Lightford-Steans-J.Collins-Martinez-Hendon—J.Mitchell-Currie-Eddy-Bassi-M.Davis et al.).

Disability History and awareness must be promoted by the State Board of Education; schools must include the topic in classes; and state universities may promote awareness of the topic (H.B. 1035, Flider-Jakobsson-Berrios-Ford et al.—Hutchinson-Althoff-Hunter et al.).

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Criminal Law

(continued from p. 9)

GPS monitoring. Persons convicted of sex crimes involving force or threat of force against children are to be required to wear GPS monitoring devices throughout any parole or mandatory supervised release (H.B. 327, McAsey-Franks-Walker-Farnham-Chapa LaVia et al. — Raoul-Holmes-Trotter-Hunter).

Ice cream trucks. A child sex offender may not drive an ice cream truck or vehicle designed to sell food or beverages, or an emergency or rescue vehicle (S.B. 62, Silverstein-J.Collins-Trotter et al. — McAsey-Jefferson et al.).

Registration. “Grooming” (a recently added crime consisting of electronic solicitation of a minor for a sex offense), and traveling to meet a minor, are added to the list of crimes requiring registration as a sex offender (H.B. 3676, McAsey-Froehlich-Farnham-Mathias et al. — Wilhelmi-Harmon).

Social networking. A person required to register as a sex offender is prohibited from using a social networking site; violation will be a Class 4 felony (H.B. 1314, Pihos-Senger-Hatcher-Farnham-Connelly et al. — Hultgren et al.).

Snooping. Capturing video images from a “remote location” outside a home, of someone in the home, without that person’s consent is prohibited. Violation will be a Class 4 felony (Class 3 if the victim is under 18 or the offender is required to register as a sex offender) (H.B. 4173, Fortner-Mathias — Hultgren).

Stalking. New definition. An alternative definition is added, defining stalking broadly as engaging in a course of conduct that would cause a reasonable person to be fearful or to suffer other emotional distress. A similar alternative definition of “cyberstalking” is

added. “Course of conduct” is defined as two or more acts that may include but are not limited to those listed in the new provisions. Violating a no-contact order will convert stalking into aggravated stalking (H.B. 2542, Yarbrough-Crespo-Bassi-Miller-W. Davis et al. — Hutchinson-Wilhelmi-E.Jones-Noland-Lightford et al.).

New procedure and penalty. Victims ineligible for relief under the Illinois Domestic Violence Act of 1986 can seek no-contact orders under a new act. It defines stalking broadly to include actions such as following, sending unwanted calls or e-mail messages, vandalizing property, or hurting a pet. Knowing violation of a no-contact order will be a Class A misdemeanor if a first offense or a Class 4 felony if a repeat offense (H.B. 693, Crespo-Yarbrough-Reboletti-Sacia-Boland et al. — Noland).

Strangling. If battery involves strangling, it becomes the aggravated form of the crime; and if the perpetrator uses a dangerous instrument, causes great harm, or is a repeat strangler, the aggravated form (normally a Class 2 felony) will be a Class 1 felony (H.B. 594, Zalewski-Pritchard et al. — Cullerton-Harmon-Althoff).

Tobacco and Minors. Persons under 18 may not legally possess tobacco in any form, including cigarettes and smokeless tobacco. (Minors were prohibited from buying, but not from possessing, tobacco products.) Violation will be a petty offense punishable by 15 hours’ community service or a \$25 fine for a first offense, with higher penalties for repeat offenses within 1 year. Minors convicted or put on supervision for tobacco possession, and their parents, can be required to attend smokers’ education or youth diversion programs in lieu of part of the community service (H.B. 799, Wait-Turner-Smith-Sacia-Eddy et al. — Syverson).

Victims. Compensation. Failure to stop after an accident causing death or injury to a pedestrian, bicyclist, or

mobility device user is added to the crimes for which victim compensation may be received. Death of a person who was ineligible for victim compensation due to being on parole, probation, or mandatory supervised release after committing a felony will end the period of ineligibility, enabling a dependent of the person to seek compensation (H.B. 2245, Currie-M.Davis et al. — Meeks-Noland et al.).

Impact statements. Courts are to consider victim impact statements at initial commitment hearings for persons found not guilty by reason of insanity for violent crimes, to determine (1) threats posed to others and the defendant; (2) where and how long mental health services should be provided; and (3) conditions of release for outpatient services (S.B. 42, Millner-Kotowski-J.Collins et al. — Ramey-Mendoza et al.).

Witness Unavailability. Prior statements of an unavailable witness are not to be excluded due to the hearsay rule or the right to confront witnesses if the witness was killed, bribed, kidnapped, hidden, intimidated, or otherwise prevented from testifying at trial by or on behalf of a party. But the party seeking to introduce such statements must give adequate advance notice and, unless it appears that the defendant killed the witness, show by a preponderance of the evidence that the one making the witness unavailable did so to prevent testimony (S.B. 1668, Murphy — Bassi). □

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Penalties for Crimes in Illinois

This chart summarizes the sentences and fines for criminal offenses in Illinois. Available at www.ilga.gov/commission/lru/lru_home

Education *(continued from p. 10)*

Drug Testing. Interscholastic athletes must agree not to use drugs to increase performance without prescriptions for valid medical reasons. Each year the Illinois Department of Public Health must oversee testing of at least 1,000 athletes for drugs that are on the Illinois High School Association's list of banned substances at 25% of high schools involved in IHSA-sanctioned competition. Students found positive on both an initial and a confirmatory test will be ineligible to play, and their schools, teams, and coaches may be penalized. Tests will be funded by an added \$50 fee on each cannabis or controlled substance conviction, and possibly by appropriations. This act sunsets on July 1, 2011 (H.B. 272, Franks-Watson-Eddy-Holbrook et al. — Garrett-Maloney-Cronin).

Early Childhood Education. Funds for children under 3 are to rise from 11% to 20% of the total of Early Childhood Education Block Grants by fiscal year 2015, unless that would reduce funds to existing preschool program providers (S.B. 1412, Harmon-Lightford-Delgado-Dillard-J.Sullivan et al. — Colvin-Currie-Hernandez-Coulson-Eddy et al.).

Electronic Books. If funds are appropriated, the State Board must start a pilot program by July 2011 to study alternative textbook formats, including digital textbooks, in three school districts (S.B. 2277, Cronin-Trotter et al. — Biggins-Reboletti).

Fee Waivers. Student eligibility for free textbooks and for fee waivers based on federal nutrition program eligibility must be determined using those programs' verification requirements. Schools may instead verify eligibility themselves, but no more often than every 60 days, and only for fee-waiver purposes (H.B. 475, Winters—Syverson-Harmon).

Laptops for Students. If money is appropriated, the State Board must offer laptop computers to selected schools that have students in any of the grades 3 through 8, and study effects on students, parents, and communities. Preference will go to schools with low-income students, few technology resources, and low test scores. This pilot program, costing up to \$100 million, will end in 2012 (S.B. 613, Bond-Holmes-Trotter-J.Collins et al. — Howard-Hamos et al.).

Locally Grown Food. If money is appropriated, the Illinois Department of Agriculture and State Board of Education will award competitive grants to help schools buy foods grown nearby and connect students to farming (H.B. 78, Cole-Pihos-Bassi-Eddy-Ford et al. — Koehler-Holmes-J.Collins).

Medal of Honor Film. If available without charge, a film made by the Congressional Medal of Honor Foundation must be shown to all 7th graders and high school U.S. history students (S.B. 1675, Murphy—McAsey-Chapa LaVia-Bost-D.Brady-Holbrook et al.).

Mexican-American History. U.S. History curricula must include the removal and illegal deportation of Mexican-American U.S. citizens in the Great Depression (S.B. 1557, Delgado-Martinez—Hernandez-Mendoza-Durkin-Riley-Froehlich et al.).

Radon Testing. The General Assembly recommends that schools be tested every 5 years for radon, and that areas with concentrations over 4 picocuries per liter be mitigated. Districts must send any test results to the State Board, which will report them biennially to the Governor and General Assembly (H.B. 4223, May-Reitz-Pihos-Hernandez-Phelps et al. — Luechtefeld-J.Collins et al.).

Salary and Contract Posting. Salaries and benefits of school administrators must be posted annually on school district Internet sites and sent to the regional superintendent of schools. Union contracts must also be posted (instead of listed) on those sites (S.B. 2270, Cronin-Dillard-Lauzen-Millner—Pihos-Bellock-Cole-Kosel et al.).

Special Education. Parental visits. Schools must allow parents of special education students, or their independent experts, to observe their current or proposed educational programs for evaluation purposes (H.B. 628, Osterman-Lang-May-Colvin et al. — Steans-Harmon-Martinez-Garrett-J.Collins).

Transition services. When a student with an individualized education plan (IEP) turns 14½, the IEP must include measurable transition goals (changed from being outcome-oriented) and transition services needed; the IEP process must include transition planning. If resources from outside the district are needed, they must be identified, monitored, and annually reviewed (H.B. 979, Coulson-May-Lang-Nekritz-Mathias et al. — Koehler).

Teacher Misconduct. The list of crimes that are to cause suspension or denial of a teacher's certification, and ban employment of the teacher, is expanded to include more sex crimes involving child victims. In-service teacher training must address proper student-teacher conduct. The State School Superintendent may investigate, including issuing subpoenas, and may suspend for up to 5 years or revoke a teaching certificate for child abuse or neglect. School superintendents must notify the regional and State Superintendent if they have reason to believe that a teacher's dismissal or resignation resulted from child abuse or neglect (S.B. 2071, Haine-Maloney—Eddy-Pritchard-Smith-Bassi-Pihos et al.).

Veterans' Diplomas. At the request of a Vietnam veteran (added to World War II and Korea veterans) who left high school to join the military, the school district where the veteran resided before enlisting may issue a diploma to the veteran (H.B. 3731, Mathias-Watson-Moffitt-Black—Murphy).

Higher Education Bills

Credit Card Marketing. A public or private college that agrees with an issuer of credit cards for marketing to students under 21 must disclose important information about the agreement on its Internet site and in any mailings to students promoting the cards, and must offer students a financial education program. Colleges may not allow marketing that offers gifts to students applying for credit cards. Colleges and public schools, along with their agents, employees, student or alumni associations, and affiliates, are prohibited from providing personal information on students under 21 to credit card marketers. The Attorney General will enforce these provisions (H.B. 2352, Joyce-C.Gordon-Kosel-Jakobsson et al.—Trotter-Maloney-Kotowski-Hutchinson-Crotty).

Faculty Communications to Public Officials. State university and community college employees may express opinions to federal or state officials without notification to or approval from administrations, if they do not claim to represent their institutions (H.B. 898, Jakobsson-Rose-Lang-Boland et al.—Frerichs-Noland).

Political Expression on Campus. State universities and community colleges may not ban employees from showing political buttons, stickers, or patches (but such displays in instructional settings must be for reasons related to instruction); attending political rallies if off duty; or putting partisan bumper stickers on their personal

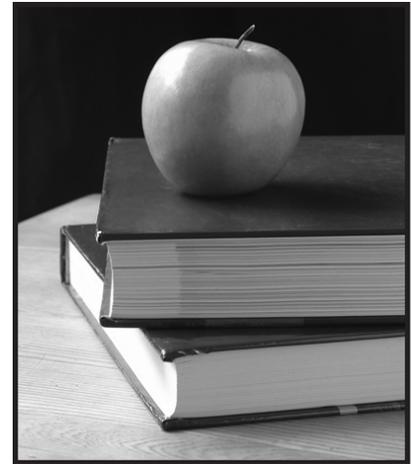
vehicles (H.B. 899, Jakobsson-Rose-Franks-Farnham et al.—Frerichs).

Scholarships and Loans. Lawyers. If funds are appropriated, the Illinois Student Assistance Commission must start a program to offer up to \$6,000 per lawyer per year to repay educational debt if the lawyers work in some government or legal aid jobs (H.B. 574, Turner-Lang-Hoffman et al.—Schoenberg et al.; S.B. 266, Schoenberg-Dillard et al.—Hoffman-Ryg-Turner-Durkin-Thapedi).

Nurse teachers. The Illinois Department of Public Health will offer graduate nursing scholarships of up to 3 years to Illinois residents. A recipient must serve as a nurse educator for 2 years for each year of award, or repay it with 7% interest. The amount of money to be set aside for nurse scholarships is increased to fund these new scholarships (H.B. 382, Brosnahan-Froehlich-Joyce-Ford-Lang et al.—Maloney-Harmon).

Veterinarians. If money is appropriated, the University of Illinois may make loans to students in its College of Veterinary Medicine—starting at four students and rising to 16 by the fourth year. Each recipient must practice at least 1 year in an area of “veterinary service need” per year of loan, or repay it at 18% annual interest. The program is to end in July 2019 (H.B. 364, Reis-Jakobsson-Black-Watson-Cavaletto et al.—Frerichs-Jones-Radogno et al.).

Security on Campus. Community college security departments may include both police officers and other persons, the latter to perform “patrol and security type functions”. Powers of community college boards to impose regulations are extended beyond college security to include college operation and development, with violations punishable by fines (H.B. 2253, Pritchard—Maloney).



Textbook Selling. A college textbook publisher must disclose to faculty or others choosing textbooks the copyright years of the last three editions; substantial changes between editions; and any alternative formats and their prices. Publishers must offer any bundled materials in the alternative as unbundled textbooks and supplemental materials (H.B. 461, Jakobsson-Pihos-Fortner-Riley et al.—Hunter-Frerichs-Noland-Wilhelmi).

Veterans' Programs. Public colleges and universities must survey and publish information on their programs and services for veterans, military personnel, and their families. Each campus with over 1,000 full-time students must have a veterans' services coordinator. The Governor's office will evaluate the reports and make suggestions to each institution (S.B. 1624, Kotowski-Noland-Hutchinson-Frerichs-Bond et al.—Walker-Fortner et al.). □

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Environment & Conservation

The General Assembly voted to require alternative electricity producers to get more of their electricity from renewable sources (mostly wind power); protect groundwater in northeastern Illinois from depletion; and require state-funded buildings to be more environmentally friendly, and state agencies to buy more recycled products. Composting sites meeting standards for environmental impact will be regulated less strictly, and closed state parks can be leased to public agencies with some restrictions.

Alternative Fuels. *Public vehicles.* Vehicles with diesel engines, if owned by state or local governments, must get 5% biodiesel fuel (formerly at least 2%) at central fueling facilities (H.B. 2535, Poe-Brauer-Wait-Moffitt—Frerichs-Harmon-Holmes).

Study. A new commission in the Department of Commerce and Economic Opportunity will study and recommend ways to promote use of alternative and biodiesel fuels, and vehicles using these fuels, and report to the General Assembly and Governor within 1 year. It will consist of two agency directors or their designees, and at least 15 others chosen by the Governor from various groups (H.B. 4245, Reis-Myers-Cavaletto-Connelly—McCarter-Harmon et al.).

Animal Adoption. Dogs and cats may not be adopted from animal shelters or control facilities without being sterilized and microchipped, except that one not healthy enough for such procedures can be adopted under a written agreement to have them done soon after the animal is healthy. A shelter or control facility may allow an unhealthy animal to be adopted if the adopter is notified in writing of the health problem and will be allowed to return the animal. A shelter or control facility may not release any animal to another animal shelter that has no license or foster care permit, unless it is a nonprofit organization in another state (H.B. 4036, Bellock-Jakobsson—Holmes-Harmon).

Composting Sites can be exempt from regulation as “pollution control facilities” under the Environmental Protection Act if they meet standards in this amendatory law for total quantity being composted at one time, protection from floods, separation from neighbors and historic sites, and protection of endangered species. The information in the mailed and published notice of a proposed composting facility must include its location and description, and information on how and when to send written comments to the EPA. Solid waste permits for organic waste composting facilities must address measures to reduce pathogens in the composted product (S.B. 99, Steans-Althoff-Clayborne-J.Sullivan-J.Collins et al.—Osterman-Holbrook-Joyce et al.).

Fossil-Fuel Use. *Energy bonds.* The Illinois Finance Authority’s bond issuance limit for energy projects is raised from \$2.7 to \$3 billion, and its purposes expanded to include making “substitute natural gas” from coal, and building power lines; carbon dioxide pipelines; and carbon abatement equipment at existing power plants. Within the \$3 billion overall limit, up to \$2 billion (formerly allocated for scrubbers) can be used for various coal and clean coal projects, and up to \$2 billion for renewable energy projects. The limit on the Authority’s outstanding state guarantees for existing debts of farmers held by lenders is tripled to \$225 million; and such guarantees



Photo by Kevin Jones, Legislative Research Unit may be used to support renewable energy projects (S.B. 1906, Koehler-Jacobs-Wilhelmi-Frerichs et al.—Black-Mautino-J.Gordon-Holbrook-Graham et al.).

Renewable sources. A new Renewable Energy Resources Fund will help the Illinois Power Agency obtain electricity for use in Illinois from renewable resources (preferably in Illinois, with adjoining states as second choices). Of such renewable energy, at least 6% is to come from solar cells starting in June 2015. A requirement now applying to public utilities that had at least 100,000 Illinois customers at the end of 2005—to obtain percentages, rising from 2% in 2008 to 25% in 2025, of their power from renewable sources—is extended to alternative retail electric suppliers (meaning electric suppliers other than the following: public utilities franchised to serve the area being served, cooperatives, publicly owned suppliers, and private providers of their own electric needs). For both public utilities and alternative suppliers, at least 75% of such renewable energy is to come from wind if possible. A requirement to get at least 5% of total electric supply from clean coal sources (storing carbon dioxide production) starting in 2015, subject to cost limitations, is also extended to alternative electric suppliers (S.B. 2150, Harmon-Trotter-Noland—Holbrook-Black-Eddy-Bost-Miller et al.).

Study of CO₂ capture. An 11-member commission, chaired by the Director of the Illinois Power Agency and including the Illinois Commerce Commission's chairperson and gubernatorial and legislative appointees, will study legal and practical issues involved in capturing carbon dioxide (including who would own it), and report to the General Assembly by the end of 2010 (H.B. 3854, Reitz-Flider-Phelps-Verschoore-Hoffman et al. — Clayborne-Dillard).

“Green” Buildings. The Capital Development Board will enforce new requirements that any state-funded construction, or renovation costing at least 40% of current replacement cost, of a building be done so as to achieve certification for energy and environmental design from the U.S. Green Building Council or a similar body. The Board may waive some requirements based on standards stated in this new act (H.B. 1013, Boland-Farnham-Froehlich-Franks-Crespo et al. — J. Sullivan-Harmon-Noland-Trotter-Holmes et al.).

Groundwater Allocation. Cook County and the collar counties become subject to several requirements already applying to the rest of the state: (1) Anyone planning to dig a well on a parcel, if it and other wells on that parcel are likely to take over 100,000 gallons of water per day, must notify the local soil and water conservation district, which will notify local governments and the State Geological Survey and issue a public report on likely effects on other users. (2) Each user of land containing such a well must register it with the district and provide information requested by the district. (3) If a well stops supplying its usual amount of water due to a low water table, the Department of Agriculture can restrict withdrawals from such large wells in the area until the shortage ends; its decisions can be appealed to a court. A new statewide requirement is that every user of a

well or other water intake on a parcel where all intakes can provide over 100,000 gallons per day participate in the State Water Survey's Water Inventory Program; but agricultural water users will be exempt for 5 years (S.B. 2184, Garrett—Nekritz-Winters-Jakobsson et al.).

Hazardous Waste Collection. Drop-off of household hazardous wastes may be allowed only at places where products of the type being collected are sold or distributed, in addition to one-day collection events; sites operated by schools or governments; and sites for collecting mercury thermometers or thermostats. Drop-off sites may not accept such wastes that have been aggregated by landlords, businesses, or other entities. One-day household waste collection events must have permits from the Illinois EPA and operate under conditions it imposes. The EPA can issue regulations for other drop-off places to protect public health and the environment. One-day collection events, and drop-off sites, need not be permitted by the EPA as facilities for waste storage, treatment, or disposal, if they comply with the EPA's requirements for such events or sites (S.B. 178, Garrett-Althoff-Steans-Bivins-Hunter et al. — Pihos-May-Mell-M.Davis-Franks et al.).

Lead Sinkers. If money is appropriated, the Department of Natural Resources may start a program to inform the public about hazards of lead products and discourage their use in fishing (S.B. 1269, Steans—Reitz).

Leasing Closed Parks. The Department of Natural Resources and Illinois Historic Preservation Agency can lease closed state parks and historic sites for up to 3 years to local governments and public colleges and universities, with restrictions to protect all artifacts and natural areas (H.B. 37, D.Brady-Moffitt-Pritchard-Verschoore-Boland et al. — Risinger).

Mercury in Lights. The Illinois EPA must use the Internet and other information media to inform the public about mercury in compact fluorescent lights and how to dispose of burned-out or broken ones safely. Starting next year, the Department of Central Management Services must incorporate energy saving and toxic waste reduction into its specifications for lighting fixtures for state agencies (H.B. 2429, May-Coulson-Feigenholtz-Bellock-Farnham et al. — Hunter-Harmon-Holmes).

State Procurement. State agencies must buy “environmentally preferable” products and services, and buy recyclable paper unless it will not work or involves undue hardship. They may pay up to 10% more for such products and services. The quoted term means, among other things, products made from recycled materials, avoiding use of toxic substances, conserving energy and water over their life cycles, and minimizing waste (H.B. 4035, Tryon—Steans-Althoff-Holmes). □

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Health & Safety

The Health Facilities Planning Act is revamped by requiring more kinds of planned health facilities to have permits for construction; establishing a position of Comprehensive Health Planner to oversee the development of medical institutions in the state; replacing the current Health Facilities Planning Board next spring; and requiring performance audits of the Health Planner and new planning board. The General Assembly also voted to authorize health insurance or other health coverage to offer financial incentives for good health practices; promote better acute care of possible stroke patients; and strengthen measures against MRSA in state institutions and abuse of patients in hospitals.

Cancer Education. Comprehensive school health education must include information on cancer and its risk factors and symptoms. An interscholastic athletic organization must ask student athletes about family history of cancer on any pre-participation examination form, and may require a testicular exam for male athletes (S.B. 1665, Jacobs-Silverstein et al. — Verschoore-M.Davis-Flowers).

Child Product Recall Notices. A retailer may meet the legal requirement to post a recall notice for a children's product by displaying the notice on an electronic screen in each store, with a prominent sign clearly saying where the screen is. Recall notices for items such as cribs, beds, playpens, strollers, and car seats must be posted for 240 (formerly 120) days (H.B. 964, DeLuca-Rita-Yarbrough-Ford-May et al. — Hutchinson-Noland).

Closing a Medical Facility. A hospital, outpatient surgery center, nursing home, or kidney dialysis center, at least 90 days before permanently closing, must send the Illinois Department of Public Health (IDPH) a pre-closing statement on how it will safeguard patient records, staff files, medications, equipment, and hazardous materials. IDPH must require it or its designee to provide a written post-closing statement describing any changes in those plans and when it actually closed (H.B. 3878, Bradley-Feigenholtz — Forby).

Community Health Center Grants.

If money is appropriated, the Capital Development Board, working with IDPH, will offer grants to build or renovate health center sites, buy equipment to care for medically underserved persons or areas, or provide primary care to the medically uninsured (H.B. 208, Feigenholtz-Farnham-Jakobsson-Hoffman-Lang et al. — Clayborne-Delgado-J.Collins-Schoenberg et al., **Vetoed**).

Developmentally Disabled Care

Regulation. Facilities for intermediate care of developmentally disabled persons, and those for long-term care of persons under age 22, will be licensed under a new MR/DD Community Care Act in lieu of the Nursing Home Care Act. IDPH will keep authority to license them, and its regulations under the Nursing Home Care Act will apply to them until it issues regulations under the new Act. The new Act's provisions generally duplicate those of the Nursing Home Care Act (S.B. 1704, Hunter-Delgado-Demuzio-Syverson et al. — Ford-Schmitz).

Diabetes in Infants. If money becomes available, IDPH will fund a 3-year pilot registry of cases of neonatal diabetes caused by a single gene. Medical providers treating such patients must report to IDPH. Research institutions participating in the pilot program can have access to the registry. Information in the registry will be



confidential unless the patient consents to disclosure (H.B. 2481, Cross-Currie-Feigenholtz-Schmitz-Coulson — Harmon-Holmes-Schoenberg).

Fetal Remains Cremation. A hospital must notify a mother who suffered a spontaneous abortion at less than 20 weeks of the option to choose common cremation of more than one fetus in the same chamber. A permit for group cremation or burial may be issued without a fetal death certificate (S.B. 1703, Dillard et al. — Bellock).

Food Allergies at School. An ad hoc committee named by the State Board of Education and IDPH must develop guidelines for managing students with life-threatening food allergies. By 2011, each school board must implement a policy based on the guidelines; school personnel must be trained in handling anaphylactic shock (H.B. 281, Bellock-Cross-Madigan-Pritchard-Mell et al. — Garrett-Althoff-Dillard-Cronin-Lightford et al.).

Hospital Patient Abuse. Hospital personnel are prohibited from abusing patients (basically meaning intentionally causing physical or mental injury or sexual abuse). Hospitals must train employees in detecting and reporting such abuse. Any staff member with reason to believe a patient in the staff member's care has been abused in the hospital must report to an administrator; the hospital must report to IDPH within 24 hours and promptly investigate to protect the patient's safety. Persons other than hospital personnel who have reasonable cause to think a hospital patient has been abused may

report to IDPH without liability if done in good faith. If money is appropriated, IDPH must investigate every report or allegation to it of hospital patient abuse; keep a record of all such reports; and inform the hospital and reporter of its conclusions (H.B. 3649, Ryg-Coulson—Silverstein).

Medications Disposal. Education.

A public-private collaboration called Medication Education Disposal Solutions (MEDS) is established under the Illinois EPA to promote responsible disposal of unused medications and issue recommendations by the end of 2010 (H.B. 658, Froehlich-Bellock-May—Garrett-Harmon).

Flushing ban. Medical institutions and their staffs and contractors are prohibited from putting unused medications in pill form into public wastewater collection or septic systems, with violation punishable by a \$500 fine. Institutions must modify their written protocols to comply (S.B. 1919, Garrett-Bivins et al.—May-Tryon-Pihos-Feigenholtz-Chapa LaVia et al.).

MRSA in State Facilities. State residential facilities (including prisons and mental hospitals, developmental centers, and other Department of Human Services residential facilities) are to develop and follow procedures for methicillin-resistant *Staphylococcus aureus* (MRSA) prevention, control, and reporting. The procedures must include screening and surveillance; education and training; hygiene; sanitation; and infection control (H.B. 185, Bellock-Mathias-Froehlich-Pihos-Rita et al.—Radogno-Garrett et al.).

Multiple Sclerosis Therapy Coverage. The state employees' group insurance program, self-insured counties and municipalities, and school districts must cover medically necessary preventive physical therapy for insureds with multiple sclerosis (H.B. 244, Pritchard-Mathias-Lang-M.Davis-Berrios et al.—Holmes).

Patient Handling. Hospitals and nursing homes must develop policies to limit risks to patients and employees from lifting and moving patients (H.B. 2285, Cole-Coulson-Mulligan-Hatcher-Senger et al.—Martinez).

Planning and Permits. IDPH will create a Center for Comprehensive Health Planning to write statewide health plans. The Governor will appoint a Comprehensive Health Planner. The Center's first plan will be submitted by 1 year after the Planner's appointment and be reviewed by the existing State Board of Health. The Center will biennially assess state medical needs and services. The Health Facilities Planning Board will be replaced in March 2010 by a Health Facilities and Services Review Board; the current Board will remain until the Governor appoints the new one. The kinds of facilities for which the Board potentially can require permits for construction are expanded to include a place (even a single room) providing a category of service defined by the Board (such as cardiac procedures). Minimum costs that will necessitate such a permit are set at \$11.5 million for a hospital, \$6.5 million for a nursing home, and \$3 million for any other medical facility. Applicants for permits (except nursing homes) must include in their applications statements of the likely effect of their plans on medical care to persons who have problems getting care—including effects on other providers' ability to subsidize them with income from paying patients. The Board's procedures are required to be more streamlined and open to public scrutiny, and must address nursing homes separately from other medical facilities. The Auditor General must audit the performance of the bodies and procedures mentioned above 2 years after the new Board is appointed and every 3 years thereafter. The Illinois Health Facilities Planning Act's sunset is postponed to 2019 (S.B. 1905, Garrett-Cronin-Schoenberg-Althoff-Righter—Dugan-Lang-Kosel-C.Gordon et al.).

Prostate and Testicular Cancer Care. If money is appropriated, uninsured men not otherwise eligible for Medicaid, if screened and found to need evaluation and/or treatment for prostate or testicular cancer, can get Medicaid coverage for that purpose without regard to assets (H.B. 1033, Flider-Froehlich-Jefferson-Farnham-Lang et al.—Clayborne-Raoul-Crotty-Hunter).

Rescue of Persons With Disabilities. If funds are available, public safety agencies are to start databases of persons with disabilities or special needs, and provide that information to responders called to their homes (S.B. 2057, Maloney-Crotty-Dillard-Althoff et al.—Mathias-Chapa LaVia-Riley-Froehlich-Moffitt et al.).

STD Partner Therapy. A medical professional can prescribe antibiotics for a sexually transmissible disease (STD) patient's partner without examining the partner, if the professional believes the partner will not come in for diagnosis and treatment. IDPH must offer information and technical help to prescribers offering such "expedited partner therapy," and the prescribers must provide counseling for the patients and informational materials for partners. Medical professionals will ordinarily be shielded from liability for either providing or declining to provide expedited partner therapy. Pharmacists may decline to fill prescriptions if doing so would violate the Pharmacy Practice Act (S.B. 212, Koehler-Delgado-Steans-Althoff-Hunter et al.—Feigenholtz-Stephens-Yarbrough-Bellock-Coulson et al.).

Stroke Care. An Emergency Medical System (EMS) Region Plan must address triage, treatment, and transport of possible acute stroke patients. IDPH must try to name Primary Stroke Centers and/or Emergent Stroke Ready Hospitals around the state. A State Stroke Advisory Subcommittee will work with IDPH to

(continued on p. 21)

Local Government

Bills that passed both houses will authorize issuance of bonds for redevelopment of some urban areas, to be repaid mostly from increased sales taxes in the redevelopment areas, and raise the maximum age for applying to become a police officer for military veterans, among other changes.

Casino Owner Fines. If a casino licensee is fined for knowingly sending promotional materials to a person on the self-exclusion list, 15% of the fine must go to the unit of local government where the riverboat is based for grants to nonprofits that help gambling addicts (H.B. 14, Chapa LaVia-Froehlich-Fortner-Senger—Holmes).

Economic Development. A municipality and/or county may create a Sales Tax and Revenue (STAR) bond district in an area of at least 600 acres that is at least 90% vacant, at least 30% within a 100-year floodplain, next to an Interstate highway, and blighted. It may not be in a municipality that contains an enterprise zone; must involve projected capital investment of at least \$300 million; and must be projected to bring at least \$300 million in gross annual sales and 1,000 jobs. There must be a local public hearing; a feasibility study; a regional public hearing by the Department of Commerce and Economic Opportunity; and another local public hearing if the Illinois Department of Revenue approves the plan. The local government may then sell the bonds with maximum maturities of 23 or 35 years (with referendum approval if general obligation bonds), to be repaid mostly from increased local and state sales taxes in the district. The state will segregate its increased sales tax collections in the district for this purpose. The locality must choose a “master developer” that already owns or controls at least 50% of the district’s area; with local and state approval, the developer may hand off any of the project to sub-developers

(S.B. 1909, Clayborne et al.—Holbrook-Bost-Biggins-E.Sullivan-Beiser et al.).

Education in Lieu of Required Public Service. A municipality can require violators of a civil or penal ordinance, or traffic law, to take an education program in lieu of or in addition to public service. Low-income defendants need not pay for such an education program. A registered owner cited due to an image from an automated traffic enforcement system can file an affidavit swearing that someone else was driving the vehicle, and that other person can be required to take the traffic education program (H.B. 2612, Hoffman—Raoul-Righter-Millner).

Fire Station Loans. If money is appropriated, the Illinois Finance Authority and State Fire Marshal can jointly offer a program of revolving, zero-interest loans to build or maintain fire stations (H.B. 38, Moffitt-Mathias-Lang-Zalewski-Holbrook et al.—Noland-Koehler et al.).

Occupancy Permits. Counties can require occupancy permits for new residential buildings in unincorporated areas, but can require no more than one such permit per “dwelling.” A county may charge for the permits only if it was doing so before this new act takes effect (S.B. 1511, Koehler—J.Gordon-Leitch-Smith).

Police Officer Application Age. An applicant can exceed the normal maximum age (35) by the number of years of active military service, up to 10



(H.B. 3877, Holbrook-Stephens-Beiser-Jackson-Froehlich et al.—Haime).

Veterans’ Burials. Counties must pay to bury indigent veterans of Congressionally sanctioned conflicts since the Vietnam war and their families (added to conflicts through Vietnam). The limit on county payment is increased by \$300 to \$900 (S.B. 1462, Dahl—McAsey). □

Mary E. Rodgers
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2009 VETO SESSION

October

5 Perfunctory

14, 15, 16 Session

28, 29, 30 Session

Professions & Occupations

Bills that passed both houses will slightly expand the ability of persons other than physicians to prescribe controlled substances, or to provide medical care in a disaster. Veterinary hospitals need not be licensed under the Hospital Licensing Act if supervised by licensed veterinarians or by public colleges and universities.

Animal Euthanasia of companion animals, using carbon monoxide, may be done only by licensed veterinarians (formerly also by certified euthanasia technicians). To use drug-based methods, a euthanasia technician must attend a humane animal euthanasia seminar or class sponsored by one of four organizations every 5 years. The maximum penalty for uncertified practice as a euthanasia technician is doubled to \$10,000 (S.B. 38, Steans-J. Collins-Holmes-Hunter et al.—Fritchey-Lang-Dunkin).

Physician Assistants may provide medical care without supervision in

emergencies or state or local disasters (S.B. 1487, Demuzio-Noland—Coulson).

Prescribing Drugs. Podiatrists are added to the physicians with prescribing authority who can delegate authority to prescribe drugs in Schedules III to V to advanced practice nurses. Such delegation must be done by written supervision agreement, not “guidelines.” Such agreements must exist for all physician assistants practicing in Illinois. A supervising physician may also delegate to a physician assistant limited authority to prescribe oral Schedule II drugs (H.B. 2247, Saviano-Reitz-Phelps—Crotty-Trotter).



Veterinary Hospitals and Clinics operated by licensed veterinarians, or by public colleges and universities, are exempted from licensing under the Hospital Licensing Act and from registration under the Illinois Controlled Substances Act (S.B. 1443, Frerichs-Althoff—Black). □

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Civil Law

(continued from p. 5)

Sexual Activity Evidence. A section added to the Evidence article of the Code of Civil Procedure says an alleged victim’s prior sexual acts are inadmissible in a civil proceeding, except otherwise admissible evidence of specific instances of sexual behavior (1) to prove that a person other than the defendant caused the harm or (2) to prove consent by the victim. Before offering such evidence, a motion must normally be filed 14 days before trial and a hearing held *in camera* (H.B. 3794, Hamos-May-Ramey-Reboletti et al.—Harmon-Hutchinson).

Sterilizing Adult Ward. A guardian of an adult must get a court order to consent to the ward’s sterilization (other than consenting to a procedure that is medically necessary but may result in sterilization). A guardian *ad litem* must be appointed, and standards are stated for the court’s decision (H.B. 2290, Ryg-Osmond-Lang-Currie-Mathias et al.—Steans-Noland-Althoff et al.).

Viatical Settlements. The Viatical Settlements Act is replaced with a Viatical Settlements Act of 2009 on July 1, 2010. It will regulate viatical settlements (in which the owner of a life insurance policy sells at a discount the right to receive its benefits). Changes include abolishing a

requirement that the insured have a catastrophic or chronic illness (provided that the policy is at least 2 years old); more extensive requirements for licensing, Department of Insurance approval, and annual reporting by providers and brokers; privacy protections for the identity and financial and medical information of an insured; and prohibitions on buying life insurance on a stranger. The new act also includes advertising restrictions, fraud prevention and control, and criminal penalties, civil remedies, and regulatory enforcement (S.B. 2091, Haine-B. Brady—Mautino). □

Robert M. Rogers
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Revenue

A trio of new laws authorize video and Internet gambling, and raise taxes on alcoholic beverages and fees on motor vehicles. The General Assembly also voted to add or increase several tax incentives for business investment.

Business Tax Incentives. *Investment tax credit changes.* For purposes of the credit for investments in qualified property used in “retailing,” that term is limited to selling tangible personal property “for use or consumption and not for resale;” and such tangible personal property excludes electricity after tax year 2008 (S.B. 256, Noland-Raoul-Kotowski—Walker).

Tax credit extensions. The credit against Personal Property Tax Replacement Income Tax for qualified investments is extended 5 years through 2013. The manufacturer’s purchase credit, and the sales tax exemption for graphic arts machinery and equipment, are extended through August 30, 2014 instead of sunseting in 2009; the graphic-arts exemption is stated to apply to newspaper and magazine printers and publishers (S.B. 1691, Althoff-Duffy-McCarter-Holmes et al.—Mathias-Turner-Froehlich-DeLuca-Lang et al.).

Tuition (prepaid) credit. An employer that matches employee contributions to College Savings Pool or Illinois Prepaid Tuition Trust Fund accounts may take an income tax credit of 25% of the match, up to \$500 per contributing employee per year. The credit will be offered in tax years 2010 through 2019 and may be carried forward for 5 years. The amount of credit must be added to base income for state income tax purposes. Separately, an employer’s match can be treated as made by the employee for purposes of an employee tax deduction of up to \$10,000 per year contributed to either kind of college-savings account. The Illinois Student Assistance Commission may set up programs to encourage employers to match such employee contributions

(S.B. 77, Clayborne-McCarter et al.—Verschoore-Bost-Jefferson-W.Davis-Reitz et al.).

Veteran employment tax credit. In 2010, the tax credit for hiring a qualified veteran will double to 10% of the veteran’s gross wages, and its annual limit will double to \$1,200 (S.B. 2046, Kotowski et al.—Walker-Mell et al.).

Gambling; Sales and Liquor Taxes; Vehicle Fees. Three related new laws create or expand several sources of state revenue. A fourth measure calls for a 3-year trial of wagering on horse races from remote locations other than OTB facilities, with some conditions.

Gambling at video terminals will be allowed at liquor establishments except racetracks and riverboats, and fraternal and veterans’ posts and large truck stops with liquor licenses, if licensed by the Illinois Gaming Board. The Board will also license video terminal suppliers, distributors, and servicers. The state will take 30% of net terminal income (revenue minus prizes), with five-sixths of that (25% of the net) going to the Capital Projects Fund for capital projects and debt service on capital project bonds. The rest will go to the Local Government Video Gaming Distributive Fund for localities with video gambling. Municipal or county voters may ban video gambling by referendum.

Internet Lottery sales. If the U.S. Department of Justice approves, the Department of Revenue in 2010 will start a 3-4 year pilot program to sell Lotto and Mega Millions tickets through the Internet using a private vendor. Players must be at least 18 and Illinois residents unless the Justice Department



says nonresidents may participate. By March 2010 the Department must contract with a private firm to manage the lottery for up to 10 years in exchange for up to 5% of lottery profits. The Governor will choose the firm from two or more finalists named by the Department. The Department can veto the firm’s major decisions. From net proceeds after all costs, an amount must be transferred to the Common School Fund each month equal to the transfer in that month in FY 2009, adjusted for inflation. Any remainder, except from tickets to benefit specific funds, will go to the Capital Projects Fund.

Sales and alcohol taxes. Effective September 1, (1) the definition of “soft drinks” (taxed at 6.25%) is changed by excluding drinks that are unsweetened and/or contain soy, rice, or other milk substitutes; and (2) candy, and grooming and hygiene products, will be taxed at 6.25%. The Department of Revenue must pay into the Capital Projects Fund an amount estimated to be 80% of net revenue from these changes. Also on September 1, state taxes on alcohol rise as follows: beer, from 18.5¢ to 23.1¢ per gallon; wine, from 73¢ to \$1.39 per gallon, and distilled liquor, from \$4.50 to \$8.55 per gallon. All proceeds of these increases will go to the Capital Projects Fund.

Vehicle fees. On October 11, the annual registration fee for passenger vehicles and light trucks will rise from \$78 to \$98. The fee for a certificate

of title rises from \$65 to \$95; for transferring registration from \$15 to \$25; and for a driver's license from \$10 to \$30. Allowable truck weights on some roads are increased, but overweight fines are doubled. All proceeds of these increases go to the Capital Projects Funds. The Secretary of State by January 31, 2010 must complete a feasibility study of basing car and light truck registration fees on manufacturer's suggested retail prices minus depreciation (H.B. 255, Lang—Cullerton-Trotter; H.B. 2424, Lang-Thapedi-Graham-Colvin-Dunkin et al.—Trotter-Silverstein; and S.B. 349, J.Sullivan-Trotter-Hunter-J.Collins-Delgado et al.—Mautino).

Wagering off premises. The Illinois Racing Board may license racetracks or entities that contract with them to offer "advance deposit wagering" in which a bettor may set up an account to pay for pari-mutuel wagering. Such wagers may be made in person at a wagering facility or electronically, including at terminals in wagering facilities. Advance deposit licensees must carry the signal of and accept wagers on live races of all racetracks in Illinois; they may accept out-of-state wagers on an Illinois signal only with approval of the track providing the signal. Racetrack licensees may charge up to 6% of an advance deposit wagering licensee's Illinois handle on the racetrack's signal in exchange for providing their live signal to the licensee (the Board may allow a higher fee). Advance deposit wagering is authorized for 3 years after this act takes effect. The pari-mutuel tax of 1.5% of the daily handle is imposed on advance deposit wagers from a location other than a wagering facility, plus 0.25% (limited to \$250,000 per year, apparently statewide) for grants to thoroughbred racetracks for purses for quarterhorse races (S.B. 1298, Link—Turner-E.Sullivan-Holbrook et al.).

Hotel Tax. A "municipal hotel use tax" of up to 5% of rental proceeds is authorized to promote tourism, conventions, and overnight stays. The tax

is very similar to the existing municipal hotel operators' occupation tax—but both taxes may not be imposed at the same place, and neither may be imposed where Chicago's Metropolitan Pier and Exposition Authority hotel tax applies (H.B. 471, Pritchard-Mautino-Dunkin—Burzynski).

Mobile Home Tax Error. Before a judgment and sale to collect mobile home local services tax, the owner may file an affidavit that the size or rate of tax is wrong. With consent of the chief county assessment officer, the board of review may then issue a certificate of error that, if endorsed by a majority of the board and the chief county assessment officer, may be used in court (H.B. 1137, Watson-Black-Cavaletto—Demuzio).

Motor Fuel Fees. The tax of 0.3¢ per gallon and environmental impact fee of 0.8¢ per gallon on motor fuel, instead of expiring in 2013, are extended to 2025 (H.B. 75, Holbrook-Turner—J.Jones-Haine).

Property Taxes. *Cook County payments.* Starting in 2010, the first installment of Cook County property tax bills will be 55% (now 50%) of the total of the previous year's tax (S.B. 2125, Viverito—Currie-E.Sullivan-Osmond).

New-business abatement. If a new business moves into a facility that has been empty for at least 2 years, any taxing district may abate any of its taxes on the property containing that facility for up to 2 years. Total abatement by all taxing districts (presumably on each property) is limited to \$4 million (H.B. 4120, Walker-Farnham-Golar-Jackson-Franks et al.—Kotowski-Harmon-Hutchinson).

Utility Levy. A requirement that major electric utilities contribute to the Public Utility Fund is re-enacted and extended from 2009 to 2014. An earlier act extending it to 2014 did not take effect in time (H.B. 860, Holbrook—Trotter-Harmon). □

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Health & Safety

(continued from p. 17)

develop designation processes for those centers and hospitals. It will be an advisory body to the State EMS Advisory Council and IDPH on care of possible stroke victims. IDPH may make matching grants to hospitals for infrastructure needed to diagnose and care for acute stroke patients (H.B. 2244, Biggins-Currie-Burke-Coulson-W.Davis et al.—Steans-Cronin-Martinez-J.Collins et al.).

Surrogate Decisionmakers. A nursing home resident with no guardian or health-care power of attorney must be notified of the right to identify potential health-care surrogates. A signed copy of a resident's listing of potential surrogates—or a decision to decline to make such a choice—must go into the patient's clinical record (H.B. 748, Ryg-Coulson-Pihos et al.—Garrett).

Transplant Drugs. If the prescribing physician marks "may not substitute" on a prescription for immunosuppressant drugs after a transplant, a health insurer may not require substitution of another drug without notification and consent of the doctor and patient. The prescriber and patient must be informed of a formulary change that alters an insurer's terms of coverage for an immunosuppressant drug at least 60 days before it takes effect (H.B. 152, Mendoza-Harris et al.—Frerichs-Kotowski-Clayborne-Hunter-J.Collins et al.).

Wellness Coverage. Health insurers, managed-care plans, and HMOs covering hospital or medical expenses may offer "wellness" coverage giving incentives for good health practices. A plan of wellness coverage must have alternatives for persons unable to meet wellness standards due to medical conditions, and may not offer a total incentive exceeding 20% of the cost of employee coverage (S.B. 1877, Kotowski-Righter et al.—Mathias-Coulson-Mulligan-Senger-Wait et al.). □

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Social Services

The General Assembly voted to raise income limits for “Circuit Breaker” and Temporary Assistance to Needy Families (TANF) eligibility; make it easier for relatives of minors and older adults to care for them in lieu of care by a state agency or an institution; provide more help to military families and women veterans; and offer more services to juveniles in state wardship, up to age 21.

Adoption. A former parent who gave up a child for adoption, consented to adoption, or lost parental rights due to unfitness, may adopt the child if the adoptive parent(s) were biologically related to the child and have died, and a standby guardian has not been appointed or cannot provide care due to mental or physical impairment. Procedures are established for institutionalized persons to consent to adoption (H.B. 2405, Hannig-Lang—Raoul-Harmon).

Application Assistance Fees. Charging for help in completing an application for a Department of Healthcare and Family Services (DHFS) mean-tested healthcare program becomes a Class C misdemeanor—except that a state agency can pay people to provide such assistance. DHFS must allow day and temporary labor service agencies to act as unpaid application agents under the Covering ALL KIDS Health Insurance Act (S.B. 1449, Jacobs-Hunter-Trotter et al.—Mendoza-Black-Graham).

Autism-Related Services. The Department of Children and Family Services (DCFS) must offer services to families of children with pervasive developmental disorders, including autism and Asperger’s syndrome, if needed to protect children from abuse and neglect and keep families intact. It must also inform the public about these new services (H.B. 30, Flowers-Froehlich-Ford-Lang-Franks et al.—Koehler-Harmon-Holmes et al.).

“Circuit Breaker” Program. The common name “Circuit Breaker Act” is recognized as referring to the Senior

Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act. The Department on Aging and DHFS get statutory authority to administer the Act, implementing a 2004 Executive Order. Income limits for eligibility will rise by 24.3% for claims filed in 2010—to \$27,610 for one person, \$36,635 for two, or \$45,657 for three or more. A nonspouse dependent not claiming separately will count toward household size and can get pharmaceutical assistance, but that person’s income will not count toward the income limits. The Department on Aging may adjust those limits for inflation after 2010 (H.B. 366, Franks-Currie-Flowers-Coulson-Chapa LaVia et al.—Hutchinson-Wilhelmi-Hunter-Demuzio-Martinez et al.).

Dental Care. Grants. If funds are available, DHFS may offer grants to increase dental care to low-income persons and DHFS clients lacking dental providers. Priority will go to Medically Underserved Areas and Health Professional Shortage Areas (S.B. 1393, Clayborne-Hunter-Frerichs et al.—Reitz-Hernandez-Saviano-Beiser-Pritchard).

Provider qualifications. Dental care under Medicaid must be provided or supervised by a licensed dentist or dental surgeon, as must dental services provided by DHFS to participants in DHFS education, training, and employment programs (S.B. 1497, Hunter et al.—Hernandez-Pritchard-Chapa LaVia-Froehlich-Black).

Homelessness. ID card fee. The Secretary of State can create a procedure for waiving the state identification



card fee based on homelessness. A person can be verified as homeless by a human services, legal services, or other worker who has knowledge of the person’s housing status (H.B. 897, Harris-Feigenholtz-M.Davis-Ford et al.—Steans et al.).

Prevention. Aid offered to households by Homelessness Prevention Act grantees is expanded to include up to 3 months’ mortgage payments needed to avoid foreclosure (H.B. 2653, Golar-Soto-Yarbrough-Hernandez-Acevedo et al.—Hunter-Lightford et al.).

Military and Veterans. Death benefits. The Court of Claims must have a program and toll-free number to help families of former public employees killed in military service file claims for state compensation. Interest on unpaid claims will start as of August 26, 2008 for any claims that were filed at least 6 months before then, and 6 months after filing for all later claims. For the first 2 years after this act takes effect, the 1-year deadline for filing claims will be waived as to persons who died after September 11, 2001 (H.B. 22, Franks-Dugan-Watson-Chapa LaVia-McAuliffe et al.—Althoff-Viverito-Bivins-Demuzio-Hutchinson et al.).

New services. A new Division of Family Affairs in the Department of Military Affairs will help families of military persons mobilized or serving abroad; a new Division of Women Veterans Affairs will assess needs of women veterans and address issues

affecting them (H.B. 4213, Mulligan-Hatcher-Ramey-Bellock-Kosel et al. — Kotowski-Harmon-Dahl-Althoff et al.).

Transition to professions. An Illinois Jobs for Veterans Task Force will evaluate whether military training may apply toward state professional licensing requirements, and make a final report by July 1, 2010 (H.B. 1122, Chapa LaVia-Jefferson-Farnham et al. — Munoz-Holmes-Lightford).

Minors. Abuse and neglect. DCFS may start a 5-year demonstration program under which, after getting a report of child abuse or neglect, it will decide whether to do a family assessment (not requiring a determination whether maltreatment occurred, but examining family risk factors and needs) or an investigation. DCFS must get an independent evaluation of the program, which is to become permanent in 2015 (S.B. 807, Hunter et al. — Flowers-Howard-Ford-M.Davis-Jakobsson).

Care by relatives. The Department of Human Services must create a program to help and support members of a child's extended family who provide care for the child. If funds are appropriated, the program (to be called "Kinship Navigator") will be administered through a nonprofit organization with experience helping such caregivers in Illinois. The program will coordinate three existing related programs of DCFS or the Department on Aging (H.B. 2365, Washington-Black-Harris-Howard-Osmond et al. — J.Collins).

Foster care. Juvenile courts are authorized to order DCFS to change the service plan for a minor who has been abused or neglected, based on the existence of listed facts, and may order it to provide services in the plan if they are available but not being provided reasonably promptly. A juvenile court may choose keeping a minor in foster care as a permanency goal if several listed facts exist. If a minor is at least 13 and parental rights have been terminated for at least 3 years, DCFS must

try to find the parent(s) and promote connections between them and the minor unless the juvenile court decides that doing so would be against the child's interests. If attempts to get such a child adopted have not been permanently successful; the child is in a placement unlikely to be permanent; and other conditions are met, DCFS may petition the court to restore parental rights; the court may grant such a petition if other conditions are met. The provisions described in the preceding sentence are to sunset in 4 years (H.B. 529, Flowers-Harris-Ford-M.Davis-Jakobsson — Delgado-Harmon).

Foster youth transition. DCFS and a juvenile court may authorize and offer aid to former foster children up to age 21 (formerly 19) who have problems transitioning to independent living after leaving foster care. Child welfare services may continue for minors with reinstated wardship until they reach 21, no longer consent to participate, or become self-sufficient. After wardship is reinstated, DCFS must prepare and file a case plan with the court within 30 days and refer the minor for services (H.B. 4054, Feigenholtz-Nekritz — Hunter-Harmon-Martinez et al.).

Identity theft. DCFS must do annual credit checks on children placed with it by juvenile courts starting at age 12. If they are financially exploited, it must notify police (S.B. 340, Bond-Kotowski-Trotter et al. — Fortner-Flowers-Chapa LaVia-Jakobsson-A. Collins).

Juvenile justice. The Illinois Juvenile Justice Commission must report by September 30, 2009 on juveniles whose parole was revoked in the last year, including their number, time on parole, original offenses, and demographic information; and make recommendations for a tracking system for released youths and outcome measures to assess youth offender re-entry

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LRU Publications

The following are some of the publications that are made available and can be found on the LRU Internet site at: http://www.ilga.gov/commission/lru/lru_home.html

Federal Funds to State Agencies

This publication presents information on federal aid programs administered by Illinois state agencies. It includes program descriptions and outlay information. It also has a State Trust Fund section that identifies the trust fund(s) used for depositing federal grants. A table shows which programs are supported and what regions and populations of Illinois are served by the federal grants.

How a Bill Becomes Law in Illinois (English and Spanish versions)

This chart shows the progress of a bill through the Illinois General Assembly and the Office of the Governor.

1970 Illinois Constitution Annotated for Legislators

This book includes the text of the 1970 Constitution as amended.

Illinois Tax Handbook for Legislators

This handbook gives information on every significant Illinois state tax.

Laws for Youth

This booklet tells about major laws that affect young persons in Illinois. The laws are divided by subject and arranged in a question-and-answer format to make them easy to find.

Penalties for Crimes in Illinois

This chart summarizes the sentences and fines for criminal offenses in Illinois.

State Government & Pensions

The General Assembly voted to make sweeping changes in state procurement; lobbying; campaign contributions; and pension-fund ethics, among other subjects. Illinois' Freedom of Information Act and Open Meetings Act are to be enforced by the Attorney General and will carry stricter requirements for public bodies. State officials except judges are to have a pay freeze this fiscal year, and legislators are to have a temporary pay reduction for 4 furlough days.

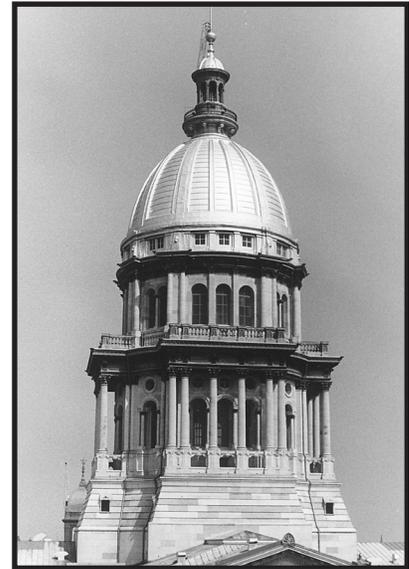
Adlai Stevenson Day. February 5 is designated Adlai Stevenson Day to honor Adlai Stevenson II (1900-1965) (H.B. 50, D.Brady-Franks-McGuire et al. — B.Brady).

Board and Commission Member Accountability. The Governor's Office is to post on the Internet a searchable database of all boards and commissions to which he can make appointments, with information on qualifications, terms, and vacancies. Any such body that has an Internet site and a full-time information technology person must post on the site recordings, minutes, and schedules of meetings. To be eligible for appointment by the Governor to a state board or commission having policymaking or other powers, a person must file a statement of economic interests and disclose conflicts of interest (S.B. 1602, Garrett-J.Collins et al. — Franks-Coulson-Fritchey).

Contracting. *Ethics; minority and women contractors; reverse auctions.* The Procurement Policy Board, created by the Illinois Procurement Code in 1998, can now issue formal recommendations to reject bids or void state contracts for violations of the Code or conflicts of interest; such recommendations will go the affected agency's chief procurement officer and be published. The Board can receive allegations of such conflicts of interest from any source, and must refer any alleged violations to the Executive Inspector General. The four chief procurement officers (for the Capital Development Board, Department of Transportation, higher education, and all other agencies) will be appointed

by the Executive Ethics Commission for 5-year terms and be removable only for cause after a hearing before the Commission. The chief procurement officers will appoint state purchasing officers for agencies under them, and control those officers' procurement acts. The Commission will appoint a procurement compliance monitor to oversee procurement in each agency, who will report to its chief procurement officer. Purchasing officers and procurement compliance monitors will have 5-year terms and be removable only for cause after a hearing before the Executive Ethics Commission. The chief internal auditors of state agencies who were transferred to the Department of Central Management Services by a 2003 Executive Order are returned to their agencies. They will serve 5-year terms, and be removable only for cause after a hearing before the Commission. The Governor will appoint an Executive Procurement Officer to oversee procurement in the Executive Branch until January 2011. Sole-source state contracts will be sharply limited, and information on all emergency procurements must be posted on-line. An exception to the Illinois Procurement Code's ban on conflicts of interest in contracting may be made only by the Executive Ethics Commission after a public hearing and before the contract is made.

Selling state bonds through firms that hire "independent consultants" to lobby state bond officials is banned. Political contributions by firms handling state bond issues must be reported. An offer by a firm to contract with the state must disclose any lobbyists it employed in



connection with the offer. Each prospective recipient of a state grant must provide details on planned uses before receiving such a grant.

Goals for set-aside of state contracts are raised as follows: Minority firms, from as much as 7% to 11% of dollar value; female firms, from 5% to 7%; and total set-aside contracts, from 12% to 20% of state contracts (including a continued 2% for firms owned by persons with disabilities). The Illinois Department of Transportation (IDOT) will have an Office of Business and Workforce Diversity to promote participation by minorities and women in its contracts and workforce. IDOT will set aside target percentages of its contracts each year for those two groups.

State and local purchasing officers can use on-line "reverse auctions" (in which sellers offer lower bids until a floor is reached) to buy goods and services—excluding some, such as contracts for professional, communications, and construction services (S.B. 51, Schoenberg-Garrett-Radogno-Hutchinson-Viverito et al. — Madigan-Riley-Fritchey-Miller-Yarbrough et al.). (Nearly identical provisions on reverse auctions are in H.B. 379, Connelly-Tryon-Froehlich-Burns-Senger et al. — Cronin-Dillard-Millner-Lauzen.)

Corrections. Illinois Correctional Industries will be a semi-autonomous part of the Department of Corrections, with its own chief executive officer, budget requests, and appropriations. It will provide food, beverages, and finished goods for state and local governments, with the Departments of Corrections and Human Services getting first priority (H.B. 1994, Mautino-Washington—Demuzio-Harmon et al.).

Criminal Records and State Employment. Subject to appropriation, a Task Force on Inventorying Employment Restrictions is created to review laws, rules, and policies restricting state employment of people with criminal histories. By September 2010, state agencies in the executive branch, and the Supreme Court, are directed to report to it on their employment restrictions based on criminal records, including positions affected; law, rule or policy applying; methods used to determine criminal histories; and any appeal or waiver provisions. The Task Force is to report to the Governor and General Assembly by the end of 2010 (H.B. 2474, Howard-Jefferson-W. Davis-Soto-Graham—Raoul-Harmon-Lightford).

Ethics and Lobbyist Act Changes. Numerous changes are made to state laws on ethics and lobbyists. These changes are briefly summarized below, classified by the entities to which they apply.

Executive and legislative branches. State employees with procurement duties are added to the persons who must file statements of economic interests. Agents, spouses, and immediate family members living with a prohibited source of gifts are added as prohibited sources.

In the State Officials and Employees Ethics Act, the kinds of offers or promises that state officers and employees are prohibited from making in return for political contributions are expanded to include virtually anything that would benefit a would-be donor. State employees asked to

engage in prohibited activities must report the requests to their ethics officer or inspector general. Inspectors general under the Act can investigate allegations from any source, or decide on their own to investigate. Circuit courts are explicitly given jurisdiction of whistleblower claims under the Act.

Under the “revolving door” prohibitions, state officers must name and notify employees who may have responsibility for regulatory or licensing decisions; inspectors general can add to those lists of employees. A new “revolving door” prohibition is added to cover any officer, board member, or person subject to Senate confirmation who was part of a state body that made a contract worth at least \$25,000 with a company (or its parent or subsidiary) that offers the person employment or payment for services for 1 year after leaving state service. But persons who may be subject to a revolving-door prohibition due to actual involvement in state contract, regulatory, or licensing decisions can ask their current or former agency’s inspector general to determine whether they can legally take a job offered by a non-state employer. That determination can be appealed by the person or by the Attorney General to the applicable ethics commission, which must seek and consider written public comments on the issue. An ethics commission can levy an administrative fine for a “revolving door” violation of up to three times the annual compensation that would have been obtained by the violation.

Each inspector general must report quarterly to the relevant Ethics Commission on activities, including open investigations. If an inspector general does not believe a complaint should be filed, the Executive Ethics Commission can ask for further investigation, appoint a special executive inspector general, or refer the matter to the Attorney General.

The Attorney General, representing an inspector general, can bring actions before the Executive or Legislative Ethics Commission for some alleged

violations of the Act. If, after a proceeding on an alleged violation of the Act, an Ethics Commission concludes that it occurred, the entire record of the proceeding and its outcome must be made public. An ethics commission can require the firing of a state employee or impose any lesser remedy (subject to a section requiring compliance with laws and union agreements—which, however, this act repeals).

Executive branch only. Each executive inspector general must report monthly investigation statistics to the relevant executive officer for posting on-line. Executive inspectors general are to review hiring and employment for compliance with the *Rutan* case on political preference in state employment, and with employment laws generally. The Act supersedes civil service laws in disciplinary hearings for violations of the Act; such hearings will be held by the Executive Ethics Commission. The Commission, and the offices of executive inspectors general, will not be subject to oversight by the Governor’s Office of Management and Budget.

Lobbying (these provisions take effect next January instead of upon signing). Persons required to register as lobbyists must get annual ethics training from the Secretary of State. The annual registration fee rises from \$150 for subsection 501(c)(3) organizations, and \$350 for others, to \$1,000 for each; the increase will be used to investigate alleged violations of the Lobbyist Registration Act. The Secretary of State’s inspector general will investigate reports of such violations, by methods including subpoenas. Using software to be provided by the Secretary of State, lobbyists must report weekly if the General Assembly is in session and monthly at other times (formerly twice a year) on all expenditures (formerly only those over \$100) related to attempting to influence official action. The maximum penalty for violating the act (now \$10,000) rises to \$10,000 per day a report or registration is late. Persons subject to

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Transportation

Bills that passed both houses will extend license revocation periods for drivers who drive despite having revoked or suspended licenses; strengthen warnings and enforcement at railroad-highway grade crossings; and allow use of alternative kinds of vehicles on local streets with some restrictions.

Alternative Fuels. From July 2010 through June 2014, each automobile registration renewal form must state that many vehicles can use E-85 fuel, and that it reduces reliance on foreign oil and helps Illinois farmers (H.B. 942, Eddy—Righter).

Alternative Vehicles. Four-wheel. Low-speed vehicles (four-wheeled vehicles with maximum speeds between 20 and 25 m.p.h. that meet federal safety standards) must be registered with and titled by the Secretary of State. If equipped as required in this act and insured, they may be driven on streets having speed limits up to 30 m.p.h. unless locally prohibited (S.B. 1866, J.Sullivan-Jacobs et al.—W.Davis).

Two-wheel. Bicycles powered by electricity or gasoline, having maximum level speeds with a 170-pound rider of under 20 m.p.h., may not be operated by persons under age 16; faster than 20 m.p.h.; or on sidewalks. In all other respects they will be treated as bicycles under the Vehicle Code (S.B. 236, Steans—Harris).

Disabled Parking. A police officer can ask the Secretary of State to revoke disabled parking insignia that are illegally used (S.B. 1541, Bond—Froehlich).

License Plates. Disabled veterans. Any veteran with proof of a service-connected disability described in the Vehicle Code may register one personal motor vehicle without a fee (replacing a requirement that the injury be one that would have qualified the veteran for federal funds to buy the vehicle) (H.B. 52, Schmitz-Cross-Pritchard-Chapa LaVia-Ford et al.—Hutchinson-Holmes-Crotty).

EMS plates may be issued for extra fees of \$27 initially and \$17 for renewal, with \$12 of the initial and \$15 of each renewal fee going to the Illinois EMS Memorial Scholarship and Training Fund for college scholarships for survivors of EMS personnel killed at work and grants to train EMS personnel (H.B. 2433, Rita-D.Brady et al.—Munoz-Cronin-Millner-E.Jones).

New veterans. A veteran who was on active duty and stationed outside the U.S. for at least 90 days of the last year can register an automobile for half the usual fee. Operation Iraqi Freedom plates may be issued to eligible veterans for a one-time \$15 extra fee (H.B. 853, Brauer-Froehlich-Boland-Ford-Turner—Munoz).

License Suspensions and Revocations. A driver whose license is revoked for reckless homicide, and who is convicted of driving without a valid license, cannot apply for another license for 3 years after the conviction; after a second such conviction, the driver cannot apply for 5 years after the later of revocation or release from prison; after a third such conviction the person can never again get a driver's license. A driver whose license was suspended for a lesser crime, and who is convicted of any driving offense committed during the suspension (unless allowed limited driving privileges) must serve an added suspension as long as the original one. Out-of-state offenses, revocations, and suspensions will count for these and similar provisions on sanctions for driver misconduct (H.B. 3697, Froehlich—Sandoval).



Memorial Highways. The Director of State Police can ask the Secretary of Transportation to name a highway or part of a highway in honor of one or more state troopers killed on duty (H.B. 457, Verschoore-Phelps-Reitz-Holbrook-Smith et al.—Hutchinson et al.).

Rail Crossings. Automatic fine. Any county or municipality may establish an automated rail crossing enforcement system in cooperation with the Illinois Commerce Commission. The penalty for crossing violations will be a civil fine of \$250 for a first crossing or \$500 for a repeat crossing. Payment to vendors for the equipment may not be based on numbers of citations issued or revenue collected (S.B. 148, Harmon-Althoff-Noland et al.—Mathias-Froehlich-Boland-Soto et al.).

Yield signs must be placed by July 2011 at all railroad grade crossings that do not have stop signs or automatic warning devices (H.B. 3730, Mathias—Murphy).

Road construction. For any road project whose state-appropriated paving costs will exceed \$500,000, the Department of Transportation is to select pavement that, using historical data, is projected to have the lowest life-cycle cost—with exceptions for Interstate highways with high traffic volume and experimental projects (S.B. 1434, Sandoval-Bond-Risinger-Lauzen-Wilhelmi et al.—Mautino-Black-Turner-Burke-Tryon et al.).

Vehicle Widths. The width limit for vehicles and loads on Class III or non-designated state and local roads (those with lanes less than 11 feet wide or that are not part of the state system of highways) is increased from 8 to 8½ feet (S.B. 1450, Dahl-Althoff—Pritchard-Brauer).

Window Tinting (nonreflective) will be permitted on front side windows, subject to these limits: If all rear windows transmit at least 30% of light, front windows may be tinted so they block up to 50% of light; if all rear windows transmit at least 35% of light, front windows may be tinted so they block up to 65% of light. If front windows have no window treatment, films and perforated window screens may be used on rear windows. A ‘grandfather’ exemption for tinted pre-1982 vehicles is ended. Vehicles of persons medically exempt from tinting limits must have distinct license plates or stickers; an installer may add window treatments for which a medical exemption is needed only if the vehicle has such plates or sticker (H.B. 3325, Bassi-Tracy-Ford—Murphy et al.). A different bill, already signed, bans installation of tinting on front side windows, except in a vehicle used by a person with a medical condition requiring tinting. In such a case the installer must keep a copy of the physician’s letter recommending tinting (H.B. 4327, Ford-Bassi—Sandoval-Harmon). □

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Social Services

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programs (S.B. 1725, Raoul—Turner-Reboletti-A.Collins-Bellock-Currie et al.).

Older Adults. Neglect. The definition of self-neglect in the Elder Abuse and Neglect Act is expanded to include “compulsive hoarding” as defined. The Department on Aging is to provide temporary housing, counseling, and caseworker services to eligible adults removed from their homes for cleanup or repair (H.B. 2388, Hernandez-Washington-Ford-Hatcher—Hunter-Harmon-Delgado-J.Collins et al.).

Services restructuring. An existing mandate to restructure services to older adults is given a September 30, 2010 deadline. The changes must allow older adults to get services at home, at local service centers, or in residential facilities. It must take their preferences into account, but not jeopardize those living in nursing homes (H.B. 752, Feigenholtz-Mathias-Pihos—Delgado et al.).

Spousal caregivers. The Department of Human Services (DHS), consulting with DHFS, must start a demonstration project in some counties to pay up to 100 people to care for their spouses who need services to avoid institutionalization. DHS will make an interim report on this by March 1, 2010, and a final report (with projections of statewide need and fiscal effects) by March 2011 (H.B. 39, Moffitt-Jakobsson-Mathias-J.Gordon-Dugan et al.—Koehler-Holmes).

Newborn Surrender. Parents can surrender newborns for up to 30 (formerly 7) days at hospitals, fire stations, etc. A fire station qualifies if at least one staff member (formerly a full-time emergency medical professional) is on duty (H.B. 3925, Coulson-Miller-Nekritz-Black-Mulligan et al.—Trotter-Dillard-Martinez-Wilhelmi-Bond et al.).

Prisoners and Ex-Prisoners. Families. DHS must publish informational materials on social services available to families of imprisoned parents. The materials must be posted on DHS’s Internet site and mailed to the children’s caregivers (S.B. 1404, Raoul-Trotter-Lightford-J.Collins-Hunter et al.—Currie-Bellock-Ford).

Loans. A fund is created in the state treasury to help the Department of Commerce and Economic Opportunity offer grants to organizations seeking to rehabilitate ex-offenders. Grantees can offer loans up to \$5,000 for non-violent ex-offenders to start businesses (H.B. 436, Ford-Sacia-Soto-Dugan-Washington et al.—Lightford-Harmon-Delgado-Hunter-Raoul et al.).

Medicaid. Starting in July 2010, if federal law allows, DHFS must allow imprisoned persons to continue any Medicaid coverage, and allow prisoners not already covered to apply for it 30 days before release. DHFS may also seek federal matching money for corrections agencies’ costs of medical care to prisoners (S.B. 231, Raoul—Howard).

TANF. DHS must disregard earned income between the grant amount set by its regulations and 50% of the federal poverty level in determining eligibility for aid, and disregard three-fourths of an eligible household’s earned income in setting aid levels. Aid must be provided by 30 days after an eligible applicant files, during which time the applicant must get an employability assessment and develop a plan to become self-sufficient. Crisis assistance must be provided to families that have become homeless or lost income due to domestic or sexual violence (H.B. 2383, Burns-Colvin-Currie-Bradley-Coulson et al.—Raoul-J.Collins-Steans-Crotty-Delgado et al.). □

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State Government & Pensions *(continued from p. 25)*

the Act may not be paid to lobby for a state agency.

State finance. On request by any of the four legislative leaders, the Governor's Office of Management and Budget must provide a summary of any formal presentations to credit rating agencies or potential buyers of state bonds. The Office must issue quarterly reports on the state's finances (S.B. 54, Garrett-Dillard-Steans-Schoenberg-Viverito et al. — Madigan-Nekritz-Farnham-Franks-M.Davis et al.).

Federal Stimulus Tracking. The Governor's office or a designated state agency must track Illinois spending of federal stimulus money in monthly reports to be posted on-line. The reports may recommend ways to maximize the state's share of the money (H.B. 571, Mulligan-Mathias-Cole-Bellock-Watson et al. — Noland-Harmon-Hunter).

Firefighter Death — Flags at Half-Staff. If an Illinois firefighter dies on duty, the U.S. and Illinois flags must be flown at half-staff over public buildings for the 3 days ending with the funeral date (H.B. 77, Cole-Moffitt-Bellock-Schmitz-Bost et al. — Althoff).

Freedom of Information Act (FOIA) and Open Meetings Act. Major changes to the FOIA, and some to the Open Meetings Act, will take effect next January 1. The definition of "public body" in the FOIA is expanded to include subsidiary bodies that do *not* spend public funds (formerly only if they did). The definition of "public records" is expanded to include e-mail. "All records" under the control of a public body are presumed open under FOIA. The time for a public body to respond to a request is reduced from 7 working days to 5 business days (except that if the request is for commercial purposes, the public body will have 21 working days to respond). Many exemptions from FOIA disclosure are narrowed. Each public

body must designate at least one Freedom of Information officer to be trained by the Attorney General's Public Access Counselor (an office formally created by this act). A person whose FOIA request is denied can appeal to the Public Access Counselor, who can require the body to respond with documents and arguments for denial. The Attorney General can issue subpoenas for this purpose. The Attorney General can also issue an opinion on whether the records must be disclosed, which will be binding unless either party seeks judicial review. In such a review, the body must prove by clear and convincing evidence that records are exempt; the court can impose a penalty of \$2,500 to \$5,000 on the body for willful and intentional violations.

Each body subject to the Open Meetings Act must train some personnel on the Act. Anyone who thinks the Act was violated can request a review by the Attorney General's Public Access Counselor. Procedures thereafter parallel those under the FOIA, except that no penalties for violation are added by this act (S.B. 189, Raoul-J.Collins-Althoff-Kotowski-Garrett et al. — Madigan-Franks-Chapa LaVia-Beiser-Lang et al.).

Identity Protection. On July 1, 2010, state and local agencies will be banned from including people's Social Security numbers (SSNs) in materials mailed or e-mailed to them (unless state or federal law requires it, or exceptions stated in this act apply) or on cards needed to get government goods or services; requiring people to transmit their SSNs through the Internet without encryption or other security; or publicly posting SSNs. State and local agencies' collection and use of SSNs will also be restricted. If state law allows public inspection of records containing SSNs, their custodian must remove them before allowing inspection or copying — except documents recorded with county recorders or required to be "open" to the public. Starting next January, state and local governments will be prohibited from encoding or embedding SSNs in cards, documents, and electronic

storage devices from which this act requires them to be removed. By January 1, 2011, each unit of local government, school district, and board of election commissioners must draft an identity-protection policy requiring training in use of SSNs; restricting access to them; and requiring disclosure of planned uses when collecting them. Within 1 year after that, it must implement any parts of the policy that are needed to comply with this act. The Illinois Supreme Court is directed to adopt rules for courts consistent with the intent of this act. Violation of the act will be a Class B misdemeanor (H.B. 547, Pihos-Mathias-Cole-Coulson et al. — Radogno).

Insurance Department Re-created. The Illinois Department of Insurance is removed from the Department of Financial and Professional Regulation and re-established as a separate Department effective upon signing (H.B. 1115, Osmond-Mautino-D.Brady-Bassi-Franks et al. — Haine).

Military Members. *Employee leave.* The conditions in which full-time state and local (including school) employees in the reserves or State Militia must get leave are expanded to include any training or duty required by the Armed Forces (S.B. 337, Haine-Holmes et al. — Zalewski-Joyce-M.Davis et al.).

Service credit for firefighter. A current or future Chicago firefighter can get up to 24 months' pension credit for military service before becoming a Chicago firefighter by paying employee and employer costs with interest (H.B. 1291, Saviano-Lyons-McAuliffe-D'Amico-McCarthy — DeLeo-Trotter).

Spouse and dependent voting. Spouses and dependents of Armed Forces members can use military absentee ballots if abroad on election day. Delivery methods for such ballots are expanded to include using an Illinois-licensed delivery company (H.B. 1131, Myers-Bost-Black-Boland et al. — Hutchinson-Harmon).

Veterans' bonus. If money is appropriated, an Illinois resident who served at least 30 days overseas in the armed

forces after September 10, 2001 and received a Global War on Terrorism Medal can get a \$100 bonus from the Department of Veterans' Affairs (S.B. 1461, Bomke-Althoff et al.—Brauer-Verschoore-J.Mitchell-Poe-Wait et al.).

Olympics in 2016. A law is enacted to prepare for Chicago's possible hosting of the 2016 Olympic and Paralympic Games. It calls on the state to put money into a financial security fund in case Chicago is chosen for the 2016 games—and to spend as much on road projects outside Cook County as it spends from that fund. Chicago must pay \$250 million toward any deficit before the state fund can be used for that purpose; the state's total liability will also be \$250 million. Laws calling for diversity in hiring and contracting will apply to preparations for the games. Foreign-licensed athletic trainers, medical personnel, and related practitioners may practice at the invitation of the local Olympic committee or a sponsoring delegation without being licensed by the city or state. Olympic shooting contestants may carry firearms sanctioned by the International Olympic Committee or other shooting bodies in preparation for the games (S.B. 2016, Raoul-Munoz-E.Jones-Sandoval-Rutherford—Burns-Cross-W.Davis-Thapedi-Osterman et al.).

Pension Fund Ethics. Public pension and retirement fund board members must file statements of their economic interests, and comply with all restrictions on "employees" in the State Officials and Employees Ethics Act. The State Treasurer must convene representatives of those boards, and persons from the financial industry, to recommend standards for comparing investment managers' performance and costs, which the Treasurer will send to the Governor and General Assembly by January 2011. Public pension and retirement systems are to increase their use of emerging investment managers and fiduciaries, and increase the racial, ethnic, and gender diversity of their mix of such providers. The systems' personnel and consultants may not have interests in any system investments, or cause transactions that would

directly benefit them. Their investment advisers and consultants must be chosen competitively and work under contracts. Public pension and retirement systems must comply with the Open Meetings Act and disclose financial information quarterly. Their board members must get 8 hours of annual ethics training. Their employees must comply with restrictions in the Pension Code on soliciting or taking gifts. The term of office of each gubernatorially appointed member of the State Employees', State Universities, and Teachers' Retirement Systems, and of the Illinois State Board of Investment, is terminated; most replacements will be appointed by the Governor with Senate confirmation (S.B. 364, Schoenberg-Raoul-Cullerton-Demuzio-Frerichs et al.—Madigan-Currie-Burns-Miller-McCarthy et al.).

Political Contributions. Starting in 2011, no candidate may have more than one political committee for that candidate's office; and no candidate, official, or party may have more than one committee to support candidates for multiple offices. A non-party entity can establish one "non-candidate committee." A single-candidate committee cannot accept more than \$5,000 from an individual; \$10,000 from a business, union, or association; and \$90,000 from a political committee per year; a multi-candidate or non-candidate committee cannot take more than \$10,000, \$20,000, and \$90,000 respectively from such sources. Each public official can also have a "constituent services committee" to fund constituent services and office operations; it cannot take more than \$5,000 annually from any one source. A candidate taking more than \$250,000 for a statewide office, or \$100,000 for another office, from personal or family sources in the year before an election must so notify the State Board of Elections; the candidate's opponents can then exceed the limits on a single-candidate committee's acceptance of contributions. All limits stated above are to be adjusted every 2 years based on the Consumer Price Index for All Urban Consumers.

Independent expenditures by one entity, for or against one candidate, that total over \$3,000 per year must be reported to the candidate and the State Board. Campaign finance reports must be filed quarterly (or in some cases within a few days after receipts or expenditures) rather than twice a year. The State Board will post on-line a record of all its actions on complaints. The Attorney General, a state's attorney, or a private citizen can seek an injunction against electioneering communications by persons not filing the required disclosures. A task force appointed by the Governor, Supreme Court, and legislative leaders will study a possible system of public financing of judicial election campaigns and report by January 2012 (H.B. 7, Madigan-Franks-Chapa La-Via et al.—Harmon-Noland-Martinez-Hutchinson-Schoenberg et al.).

Prompt Payment Act. *Medicaid bills* not paid within 60 days will incur a 2% interest penalty (the rate for other bills remains 1%). The "goods and services" for which late penalties must be paid are expanded to include mental health and developmental disabilities, alcohol and substance abuse, rehabilitation, and early intervention services provided by licensed organizations (H.B. 237, Tracy-Coulson-Senger-Cavaletto-Reboletti et al.—Demuzio-Hutchinson-Holmes-Schoenberg-Noland et al.).

Small interest payments. State agencies must automatically pay interest on each late payment to a vendor, even if less than \$50 of interest is owed (S.B. 1472, Frerichs—Black-Franks et al.).

Salary Freeze. In fiscal year 2010, the pay of state officers except judges will not be adjusted for inflation, and each legislator's pay is to be reduced 4/365 to reflect 4 furlough days. The Governor cannot raise salaries of officers under him. The Compensation Review Board is abolished; but the automatic inflation adjustments in salaries for which it earlier provided are to

(continued on p. 33)

Bills With Governor's Action

All bills summarized in this issue of *First Reading* are listed below. Beside the number of each bill on which the Governor had acted by August is the Public Act number or other indication of his action. The following abbreviations are used for the Governor's actions on bills:

- AV Amendatorily vetoed
- AVA Amendatory vetoed accepted
- IV Item and/or reduction vetoed
- IVS Item and/or reduction veto stands
- V Totally vetoed
- VO Total veto overridden
- STG Sent to Governor; no action by press time

Information on all 2009 bills and Public Acts, including their texts, is available at: <http://www.ilga.gov/>
 Click on the [Bills & Resolutions](#) or [Public Acts](#) link near the top of the page for information on a given bill or Public Act.
 Information on the General Assembly's workload over the years can be found at the LRU's page.

H.B.	Public Act 96-								
7		327	236	799	179	2235	266	2670	292
10	556	364	142	853	747	2244	514	2678	293
14	224	366	AV	860	250	2245	267	3325	AV
22	539	370	143	866	451	2247	268	3649	692
30	134	379	588	867	41	2253	269	3676	301
35	225	382	AV	881	667	2281	86	3697	607
37	557	392	144	897	183	2285	389	3730	470
38	135	418	560	898	147	2290	272	3731	88
39	351	436		899	148	2352	261	3794	307
50	559	457	358	914	184	2353	275	3854	754
52	79	461	359	934	185	2365	276	3863	111
69	226	471	238	942	510	2383	AV	3877	472
71	130	475	360	964	590	2388	572	3878	596
72	131	529	600	979	187	2400	36	3885	408
75	161	547	AV	999	19	2405	601	3918	311
77	436	550	362	1013	73	2424	37	3925	345
78	153	557	AV	1032	190	2429	393	3990	579
152		571	169	1033	567	2433	591	3991	701
155	228	574		1035	191	2474	593	4008	474
182		584	348	1057	670	2481	395	4013	313
185	438	594	363	1079	194	2513	280	4035	197
208	V	597	243	1105		2535	281	4036	314
214	232	617	47	1115	AV	2541	282	4049	413
224	233	624	171	1116	253	2542	686	4054	581
237		628	657	1122	85	2547	AV	4081	318
244	139	658	369	1131	512	2574	284	4120	755
255	34	688	174	1137	254	2612	288	4173	416
264	234	693	246	1291	260	2649	289	4198	91
272	132	725	AV	1314	262	2650	290	4212	93
281	349	748	448	1348	547	2653	291	4213	94
289	5	752	248	1994	AV	2660	688	4223	417
312	35	759	177	2005	265	2669	400	4245	323
								4327	530

S.B.	Public Act 96-								
38		243	202	1298	762	1512	549	1905	31
42	117	265	150	1320	711	1541	72	1906	103
48	223	266	615	1325	712	1557	629	1909	
51	AV	337	346	1335	713	1590	331	1919	221
54	555	340	619	1393	67	1602	543	2016	7
62	118	349	38	1404	68	1609	18	2022	553
77	198	364	6	1412	423	1624	133	2026	643
99	418	366	8	1434	715	1628	333	2046	101
141	199	612	105	1443	219	1655	335	2057	
145	651	613	421	1449	326	1665	128	2071	431
148	478	658		1450	220	1668	337	2090	
178	121	807	760	1461	76	1675	99	2091	736
189	542	1050		1462	98	1691	116	2095	432
204	57	1133	623	1472	V	1703	338	2112	738
211	201	1221	39	1487	70	1704	339	2125	490
212	613	1269	61	1493	541	1725	AV	2150	159
231	AV	1289	761	1497	156	1866	653	2184	222
236	125	1292	43	1511	721	1877	639	2270	434
								2277	647

Types of Actions Governor Can Take on Bills

The Illinois Constitution allows the Governor to make any of four kinds of vetoes: total, amendatory, item, or reduction. The following describes each kind of veto and legislative responses to it.

Total Veto

The Governor may reject an entire bill and return it to its house of origin. Overriding such a total veto requires the affirmative votes of at least three-fifths of the members elected to each house (71 in the House, 36 in the Senate). Unless a total veto is overridden, the bill dies.

Amendatory Veto

A Governor can return a bill “with specific recommendations for change” to its house of origin. Such an amendatorily vetoed bill is considered like a vetoed bill, except that each house can accept the Governor’s recommendations by vote of a mere constitutional majority (60 in the House and 30 in the Senate). Thus if a bill is amendatorily vetoed, the General Assembly can do any of three things to it: (1) Override the veto by three-fifths vote in each house, enacting the bill as it originally passed the General Assembly. (2) Accept the Governor’s recommendations and return the bill to the Governor for his certification that the acceptance conforms to his recommendations. (3) Do neither, in which case the bill dies.

Item and Reduction Vetoes

The Governor can cut line items, and/or reduce the amount of any line item, in an appropriation bill without vetoing the entire bill. The amounts not eliminated or reduced become law immediately when the Governor transmits his veto message. But the majorities needed to restore those amounts differ. If a line item is vetoed, a three-fifths majority in each house is needed to restore it. But if the item is merely reduced, it can be restored to its original amount by a mere constitutional majority in each house.

Abstracts of Reports Required to be Filed with General Assembly

The Legislative Research Unit staff is required to prepare abstracts of reports required to be filed with the General Assembly. Legislators may receive copies of entire reports by sending the enclosed form to the State Government Report Distribution Center at the Illinois State Library. Abstracts are published quarterly. Legislators who wish to receive them more often may contact the executive director.

Administrative & Regulatory Shared Services Center

Summary of results of Executive Order 06-6 (2006)

Center provides designated fiscal and human resource services for Departments of Central Management Services, Financial & Professional Regulation, and Revenue. These services include payroll, timekeeping, accounts receivable and payable, general accounting, and financial statement reporting. All accounts receivable staff were relocated to the Department of Financial and Professional Regulation in January 2009. Accounts payable and financial reporting were consolidated and relocated to the Willard Ice Building. Center submitted no recommendations for changes in law. (15 ILCS 15/11; May 2009, 2 pp.)

Aging, Dept. on

Annual report, FY 2007

Department's major programs are the Community Care program which provides case management, homemaker services, adult day services, and other services to eligible adults age 60 and over; Illinois Cares Rx/Circuit Breaker Program which provides prescription assistance to low-income seniors and disabled residents; and other home and community services. In FY 2007, the Department expanded eligibility for the Community Care Program. New programs are the Emergency Home Response and Flexible Senior Services to reduce unnecessary nursing home use. (20 ILCS 105/7.09(2); Oct. 2008, rec'd March 2009, 30 pp.)

Agriculture, Dept. of

Farmland conversion, FY 2008

In FY 2008, 87,035 acres of land were purchased or affected due to the actions

of state agencies. The Illinois Environmental Protection Agency converted the most land (67,068 acres). Other major acre conversions include Illinois Commerce Commission (10,946), and Departments of Commerce and Economic Opportunity (7,324) and Natural Resources (1,238). Lists conversions by county. (505 ILCS 75/6; March 2009, 13 pp.)

Auditor General

Annual report, 2008

Auditor General conducts financial and/or compliance audits for every state agency, completing 143 in 2008. Major findings included: Illinois Office of the Comptroller (IOC) needs additional procedures to ensure generally accepted accounting principles (GAAP) are followed and needs to finalize end-of-year statewide financial statements in a more timely manner; Chicago State University lacks adequate controls over contracting procedures; State Board of Elections' computerized statewide voter registration list does not meet all requirements of the Help America Vote Act of 2002; Illinois Finance Authority did not refer bad debts to IOC's offset system; two centers that Department of Human Services oversees lost Medicare and Medicaid certification in 2007, resulting in revenue loss until they are recertified; Governor's Office of Management and Budget failed to exercise adequate controls over contractual agreements; Illinois Department of Revenue violated provisions of the State Finance Act; Department of Transportation failed to list about \$85 million that it owed at fiscal 2007 yearend, thus understating the liabilities of several funds; Department of Public Health did not adequately document its procedures and monitoring of

its awards and grants programs; Department of Healthcare and Family Services did not provide auditors with timely and accurate financial statements, or pay hospital improvement access payments timely, did not require Cook County to comply with an Intergovernmental Agreement, did not exercise adequate control over voucher processing, and did not comply with the Illinois Public Aid Code regarding state income tax refunds and other intercepted payments; and Illinois State Toll Highway Authority lacks sufficient controls over the financial reporting process, needs to improve its practices and procedures for recording and maintaining capital asset records, and has not exercised its right to pursue collection of toll violations. Performance audits, which are done at legislative request, looked at: activities and expenditures of Pilsen-Little Village Community Mental Health Center, Inc.; Department of Healthcare and Family Services Medicaid and Group Health Insurance Program's processing of Medicaid claims; Chicago Transit Authority's bond issuance to fund retirement and health care plans; Village of Robbins' use of municipal economic development funds; Department of Human Services Inspector General's investigations of abuse or neglect; and documents submitted by Chicago Transit Authority's Employee Retirement Plan and Retiree Health Care Trust. Auditor General also audits 48 regional offices of education annually. In 2008, these audits contained 108 recommendations for improvement. (30 ILCS 5/3-15; March 2009, 36 pp.)

Central Management Services

State-owned and surplus real property report, 2008

Agency now publishes report on CD-ROM. Disc contains spreadsheets for 30 state agencies and universities, listing building names, locations, acreage, tax number, date of acquisition, and cost among other things. State did not sell or enter into installment/lease purchases in 2008. Also lists surplus property by legislative district. (30 ILCS 605/7.1; Dec. 2008, 2 pp. + CD-ROM)

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Appropriations & State Budget *(continued from p. 3)*

FY 2010 Operations

- P.A. 96-113**, enacted by H.B. 2129 (Madigan-G.Hannig-Chapa LaVia—J.Sullivan-Trotter).
- P.A. 96-114**, enacted by H.B. 2132 (Madigan-G.Hannig-Soto-McGuire—J.Sullivan-Trotter).
- P.A. 96-32**, enacted by H.B. 2194 (Madigan-G.Hannig-Feigenholtz—Trotter-Althoff).
- P.A. 96-46**, enacted by H.B. 2206 (Madigan-G.Hannig-Yarbrough—Trotter).
- P.A. 96-42**, enacted by S.B. 1216 (Trotter-J.Sullivan-Schoenberg—Madigan).
- P.A. 96-39**, enacted by S.B. 1221 (Trotter-J.Sullivan-E.Jones-Schoenberg—Madigan-Currie-M.Davis).

Budget Implementation

- P.A. 96-45**, enacted by S.B. 1912 (Trotter-Koehler-Frerichs-Raoul et al.—Mautino-Graham-J.Gordon-Reitz-Washington et al.).

FY 2009 Supplemental (Mini Capital Plan)

Budget

- P.A. 96-4**, enacted by H.B. 210 (Madigan-Mautino-Saviano-D'Amico-Bost et al.—Trotter-Wilhelmi-Holmes-Haine-Syverson et al.).

Budget Implementation

- P.A. 96-8**, enacted by S.B. 366 (Cullerton—Madigan-Currie).

Capital Plan

Revenue

- P.A. 96-34**, enacted by H.B. 255 (Lang—Cullerton-Trotter).
- P.A. 96-38**, enacted by S.B. 349 (Sullivan-Trotter-Hunter-J.Collins-Delgado et al.—Mautino).

Bonding

- P.A. 96-36**, enacted by H.B. 2400 (Lang-Miller-Holbrook-Smith-Ryg et al.—Cullerton-Frerichs-Althoff-Schoenberg et al.).

Budget Implementation

- P.A. 96-37**, enacted by H.B. 2424 (Lang-Thapedi-Graham-Colvin-Dunkin et al.—Trotter-Silverstein).
- P.A. 96-40**, enacted by S.B. 1959 (J.Sullivan-Jacobs et al.—Verschoore).

Appropriations

- P.A. 96-35**, enacted by H.B. 312 (Lang-Currie—Cullerton-Trotter-Schoenberg).
- P.A. 96-39**, enacted by S.B. 1221 (Trotter-J.Sullivan-E.Jones-Schoenberg—Madigan-Currie-M.Davis). □

Thomas Bazan
Research Associate

State Government & Pensions *(continued from p. 29)*

resume in fiscal year 2011 (S.B. 2090, Lauzen-Steans-Cronin-Garrett-Noland et al.—Madigan-Currie-Froehlich-Bost-Watson et al.).

Spending Data. By January 1, 2011, the Department of Central Management Services must open the Illinois Transparency and Accountability Portal—an Internet site with databases on the six elected executive-branch officers, including agencies under the Governor. It must contain data on employees and individual consultants; spending; state tax breaks for businesses; revocation of professional licenses and sales tax certificates of registration; and contracts (H.B. 35, Tryon-Franks-Black-Bellock-Mathias et al.—Garrett-Raoul-Althoff-Dillard-Cronin et al.).

Torture Commission. An eight-member Illinois Torture Inquiry and Relief Commission is created to investigate and make recommendations on convicted felons who report being tortured into confessing by an officer named in the act or persons under him, if they cooperate with the investigation, including waiving rights against self-incrimination. If the Commission finds enough evidence of torture to merit judicial review, it may refer the matter to the Chief Judge of the Cook County Circuit Court to assign a trial judge. The Commission must report, and may make recommendations, to the General Assembly and Governor annually starting in January 2010; any claims of torture must be filed within 5 years after the act takes effect (S.B. 48, Raoul-J.Collins-Trotter-E.Jones-Meeks—Turner-M.Davis-A.Collins-Golar-Froehlich et al.).

Voting. A person can vote as an absentee without having a condition requiring absence (S.B. 2022, Frerichs—Jakobsson-Boland). □

Will Palmisano
Research Assistant

Abstracts of Reports Required to be Filed With General Assembly

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Consumer Health Insurance Office *Annual report, 2008*

The Office helps consumers with health insurance needs and reports trends in the health insurance marketplace. Describes types of calls received; Office's staff activities; efforts to expand public knowledge; and government action and recommendations for improvement. Office received 14,229 calls. Ombudsman received 1,191 calls. Exhibits show numbers, types, and dispositions of complaints against HMOs; calls by Zip Code and month; subject matter of calls; and top 10 informational items requested. (215 ILCS 134/90(a)(7); Jan. 2009; rec'd June 2009, 52 pp. + 7 exhibits)

Corrections, Dept. of

*Quarterly report to the legislature,
Oct. 1, 2008*

As of August 31, 2008, there were 45,573 inmates in all adult facilities, 0.77% lower than the 45,891 projected by FY 2007 data. By September 2009, the total is expected to rise to 46,326. Total population in adult transition centers was 1,194 (86 below the total capacity of 1,280). Ratio of security staff to inmates was 0.166. A majority of inmates (66%) were double-celled, with approximately 37 square feet of actual living space per inmate. One capital project is being currently funded: maximum-security correctional center at Thompson (1,600 beds; completion was expected in winter 2002; occupancy date unknown). (730 ILCS 5/3-5-3.1; Oct. 2008, 11 tables)

Education, State Board of

Special education expenditures and receipts, FY 2008

Lists each school district's special education expenditures; receipts from state, federal, and local sources; and net special education expenditures exceeding receipts from school districts' 2008 annual financial reports. Total receipts were \$1.4 billion state, \$864.3 million

local, and \$418.3 million federal. Special education expenditures exceeded receipts in FY 2008 by \$1.3 billion. (105 ILCS 5/2-3.142; May 2009, 75 pp. + 1 appendix)

Healthcare and Family Services, Dept. of

*Medical Assistance Program annual
report, FYs 2006-2008*

Program spent approximately \$8 billion in FY 2008, serving an average 2.2 million people per month through 54,613 providers (including 33,829 physicians; 2,723 pharmacies; 329 home health agencies; 261 hospitals; and 745 nursing facilities). Jointly, the Illinois Department of Veterans Affairs and DHFS implemented the Veterans Care program in 2006 to provide healthcare to uninsured veterans under age 65. The Health Benefits for Workers with Disabilities program provided coverage to an average of 675 employed persons with disabilities per month at an average monthly premium of \$50. In FY 2008, DHFS served an average of 55,000 people per month in 745 nursing facilities. DHFS collected \$67.6 million in state supplemental rebates from drug manufacturers in FY 2008. (305 ILCS 5/5-5 and 5/5-5.8; March 2009, 109 pp.)

Human Services, Dept. of

Child Care, FY 2008

In FY 2008 the Department spent \$634 million on employment-related child care assistance, helping an average of 91,100 families with 172,300 children. Average monthly payment per child (including subsidy and co-pay) was \$363. To qualify (but not be guaranteed service) a family had to earn less than 200% of the federal poverty level. In FY 2008 the maximum income level for a family of three was \$28,008. The average family size for child care assistance participants was 3.3. Participants are primarily single-parent families (95.7%) with 51.7% of families at or below the federal poverty threshold of \$21,204 for a family of four. (20 ILCS 505/5.15; March 2009, 36 pp.)

*Emergency Food and Shelter Program
and Supportive Housing Program, FY
2008*

Using public and private shelters, the

program provided 2 million nights of shelter, 3.2 million meals, and 2.7 million units of supportive services to homeless persons in FY 2008. Program received approximately \$9.3 million. The Supportive Housing Program provided services to 7,961 persons in 5,241 households with a budget of \$8.1 million. Causes of homelessness include lack of income, housing problems, family/neighborhood issues, release from prison or a mental institution, personal problems, and relocation. (305 ILCS 5/12-4.5; March 2009, 69 pp.)

*Home Services annual report,
FYs 2006-2008*

In FY 2007 the federal Medicaid agency gave states the option of participating in the Money Follows the Person initiative. Implementation of the program was expected in FY 2009. In FY 2008 a Rapid Reintegration pilot program was established in Rockford and Springfield to assist patients being discharged from the hospital to return to their homes instead of being sent to nursing facilities. Some 41,245 persons received assistance from 14 categories of aid in FY 2006 at a total cost of \$351 million; 41,757 persons in FY 2007 at a total cost of \$380 million; and 42,855 persons in FY 2008 at a total cost of \$432.3 million. (20 ILCS 2405/3; Jan. 2009, 15 pp.)

Homeless Prevention Program, FY 2008

In FY 2008 Program received \$10.9 million from an Affordable Housing Trust Fund line item appropriation. Program served 12,441 households, of which 65% were families with children 18 or under. The 21 centers served an average of 592 households each, spending almost \$883 per household; 86% of all participants remained housed at least 6 months after FY 2008. (310 ILCS 70/13; March 2009, 38 pp.)

*Status of transition services for secondary students with disabilities in Illinois,
annual report, 2007-2008*

The Interagency Coordinating Council helps state and local agencies improve services for transition age youth. Numbers of disabled youth served were: Department of Commerce and Economic Opportunity, 2,286; Department of

Human Services/Division of Rehabilitation Services, 18,700, and Department of Employment Security served 15,507 people of all ages, placing 4,961 of those into employment. (20 ILCS 3970/5; March 2009, 53 pp. + 3 appendices)

Illinois Criminal Justice Information Authority

Annual report, 2008

In FY 2008 the Authority administered federal grants under the Violent Offender Incarceration and Truth-in-Sentencing Grant Program (\$16.4 million), Victims of Crime Act (nearly \$16 million), Justice Assistance Grants Program (\$8.1 million), Violence Against Women Act (\$4 million), Anti-Drug Abuse Act (\$2 million), Juvenile Accountability Block Grants Program (\$1.5 million), Residential Substance Abuse Treatment Program (\$1.5 million), Project Safe Neighborhoods (\$1.4 million), National Forensic Sciences Improvement Act (\$429,711), and National Criminal History Improvement Program (\$349,000). Other 2008 accomplishments include continuing development of a new in-house grant management information system to eliminate redundancies and allow outside users to submit grants. (20 ILCS 3930/7(t); March 2009, 38 pp.)

Joint Committee on Administrative Rules

Annual report, 2008

In 2008, JCAR considered 359 general rulemakings, 46 emergency rulemakings, and 36 peremptory and exempt rulemakings. JCAR actions included 9 recommendations, 11 objections, and 4 filing prohibitions on general rulemakings; 8 objections and 2 filing suspensions on emergency rulemakings; and 9 objections and 4 filing suspensions on peremptory and exempt rulemakings. JCAR also considered 11 required rulemakings, and recommended 2 and objected to 2. Summarizes some rulemakings and related court decisions, lists rulemakings and JCAR action by agency, and lists historical data on rulemakings since 1978. (5 ILCS 100/5-140; Feb. 2009, 105 pp.)

Joint Task Force Deaf and Hard of Hearing Education Options

Education report, 2008

Task Force was created to improve education services available to deaf or hard of hearing children in Illinois. Recommendations include: requiring schools to identify hard of hearing students and report them to an approved state supervisor; funding five Vision and Hearing Consultant positions at the Illinois Department of Public Health; funding continuing education for language and hearing specialists; and providing resources for a parent-to-parent network to support parents of a child with hearing loss who is newly identified or in transition. (2007 H.J.R. 1 and 2007 S.J.R. 26; Dec. 2008, 11 pp.)

Juvenile Justice, Dept. of

Quarterly report to the legislature, Oct. 1, 2008

As of August 31, 2008, there were 1,370 youth in all juvenile facilities. The total capacity of all youth facilities was 1,754. By September 2009, total youth population is projected to fall to 1,343. Enrollment in educational and vocational programs was 1,201 (unduplicated). Ratio of security staff to youth was 0.525. Most youth are single-celled (50%) or double-celled (44%), with approximately 83 square feet of actual living area per youth. No capital projects are being currently funded. (730 ILCS 5/3-5-3.1; Oct. 2008, 9 pp.)

Labor Relations Board

Annual report, 2008

In FY 2008, the Board handled 288 unfair labor practice charges, 416 representation cases, 266 mediation/arbitration cases, and 16 grievance arbitration cases, and issued 3 declaratory rulings. Contains an overview of the Board's function and selected case summaries. The Board's budget for FY 2008 was \$1.9 million. (5 ILCS 315/5(e); April 2009, 42 pp.)

Law Enforcement Training and Standards Board

Mobile Team Training Units annual report, FY 2008

The 16 units trained 47,227 law enforcement officers and criminal justice

professionals at an average cost of \$165.25 per trainee. Total expenditures of \$7.77 million came from federal, state, and local funds. The units offered 83 Mandatory Firearms courses to 499 officers. A 10-year review of state-funded operations is provided. (50 ILCS 720/6; Jan. 2009, rec'd March 2009, 13 pp.)

Legislative Information System

Biennial report, 2007-2008

A complete rewrite of the Legislative Laptop System was implemented for the 96th General Assembly. LIS continues to upgrade and improve applications, hardware, and infrastructure as needed. FYs 2007-08 expenditures were \$10.8 million. FY 2009 appropriation is \$7.16 million. (25 ILCS 145/5.07; March 2009, 35 pp.)

Medical District Commission (Springfield)

Biennial report, 2007-2008

Commission accomplishments include an affiliation agreement with the Greater Springfield Chamber of Commerce; opening a new office; launching a new website; and publishing a new quarterly e-newsletter. At the end of 2006, Commission had a balance of \$1,253. The Commission spent \$1,223 on marketing materials during the biennium. Commission's long-term goals include getting state funding, promoting health care businesses in the district; and analyzing the need for student/employee housing and hotels/motels in the district. (70 ILCS 915/2; Feb. 2009, 7 pp. + 3 addenda)

Motor Vehicle Theft Prevention Council

Annual report, 2008

Council aims to reduce vehicle theft, insurance fraud, and motor vehicle theft-related crimes. Total FY 2008 expenditures were \$5.9 million. Total 2008 grant awards were \$6.3 million. Seventy-five percent of vehicles stolen in Illinois in 2007 were recovered, with a 16-day average time from theft to recovery. In 2007, there were 6,566 arrests for vehicle theft in Illinois. Since 1991, annual motor vehicle theft

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offenses dropped 55%, and annual theft rate decreased 59%. (20 ILCS 4005/7(g); March 2009, 20 pp.)

Service Member and Veteran's Education Task Force

Report, 2008

Task Force assists public universities and community colleges in developing higher education, Internet-based curriculum, and on-campus centers for use by service members and veterans. Legislative recommendations

FIRST READING

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include: (1) self-assessment by colleges and universities of current procedures serving the needs of veterans—particularly online education programs; (2) appointing an ombudsman at each campus; (3) conducting a survey of current student veterans to determine needs; and (4) determining cost to meet veterans' needs and state and federal mandates. (220 ILCS 2805/30(7); Sept. 2008, 24 pp. + 4 attachments)

State Police, Dept. of

Court decisions on FOID cards, 2008

Department of State Police received 3 decisions from the court on its denial of Firearm Owner's Identification cards: (1) court overruled DSP's denial due to a burglary conviction (reason not given in report); (2) appellate court upheld DSP's decision to issue FOID card with warning prohibiting possession of firearms or ammunition due to domestic battery conviction; and (3) FOID card was issued due to vacated conviction for domestic violence. There are 13 cases pending regarding FOID cards. (430 ILCS 65/11; March 2009, 4 pp.)

Tollway Authority

Annual report, 2008

Toll revenues in 2008 were \$640 million, and maintenance and operating expenses were \$243 million. By the end of 2008, most system-wide Rebuild and Widen projects were over half completed and on schedule for 2009 completion. The Highway Emergency Lane Patrol (H.E.L.P.) trucks assisted 40,374 motorists. The percentage of vehicles using I-PASS has risen to 81%, up from 80% in 2007. (605 ILCS 10/23(e); undated, downloaded April 2009 from Authority's Internet site, 15 pp.)

Transportation, Dept. of

Diesel emissions annual report, FY 2008

Department of Transportation Diesel Testing Program operates in 9 counties and 3 townships with 53 public and 38 private testing stations. Department tested 3,837 vehicles, passing 3,651 and failing 51 (133 tests were invalid). (525 ILCS 5/13-102.1; June 2009, 1 p.)



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