

Recycling of Electronics is Promoted by 2008 Law

The U.S. Environmental Protection Agency estimated that Americans discarded about 2.25 million tons of televisions, cell phones, and computer products in 2007. Of that total, about 18% was recycled; most of the rest went into landfills. In Illinois, the Electronic Products Recycling and Reuse Act (2008) requires electronics makers, recyclers, and retailers to participate in a recycling and reuse program for home computers, monitors, televisions, and printers. (The Act refers to those items as “covered electronic devices” — CEDs.) The Illinois EPA must set annual statewide goals for recycling those products, and allocate the goals among manufacturers. It is also to monitor compliance with the Act and report any violations to the state Attorney General. The Agency’s first annual report on the program is due July 1, 2011.

The program reached approximately 80% of its initial statutory goal for recycling in the first 6 months of its first year (2010). As the Act allows, the goal for 2011 was reduced somewhat due to the shortfall in 2010—although not as much as the Act provides for. Compliance may improve in 2012, because manufacturers are to be penalized starting then if they miss their goals by much.

Annual Goals

The Act set an initial statewide goal of 2½ pounds of CEDs per resident (31 million pounds statewide) to be recycled in 2010.

Both manufacturers and “collectors” (the latter defined as those who receive CEDs or other electronic devices directly from residences to be recycled or processed for reuse) were required to report the total weight of

CED collections in the first 6 months of 2010 (the Act calls this the “2010 base weight”). The larger of those two reported totals came from collectors: about 12.5 million pounds. The EPA was to double that to project a rate for the full year. The



result, about 25 million pounds, was 20% less than the Act’s goal of 31 million pounds. Under the Act, the EPA is to multiply the 2010 base weight by a percentage between 90% and 110%, depending on how the 2010 base weight compares to the 2010 goal. If the 2010 base weight was less than 90% of the 2010 goal, the base weight was to be multiplied by 90% to set the 2011 goal. Since the base weight for 2010 was only 80% of the goal of 31 million pounds, the Act calls for that base weight to be multiplied by 90%, which would result in a 2011 goal of about 22.5 million pounds—27% below the 2010 goal.

However, the EPA has actually multiplied 2010’s goal (rather than the 2010 base weight) by 90%, resulting in a 2011 goal of about 28.2 million pounds. An EPA spokesman stated that the legislative intent was that the statewide goal not be reduced more than 10% below the preceding year’s goal (although such an intent does not appear to be reflected in the Act). Figure 1 on the next page shows amounts reported by collectors in 2010—which have been doubled to project rates for the full year, as described above.

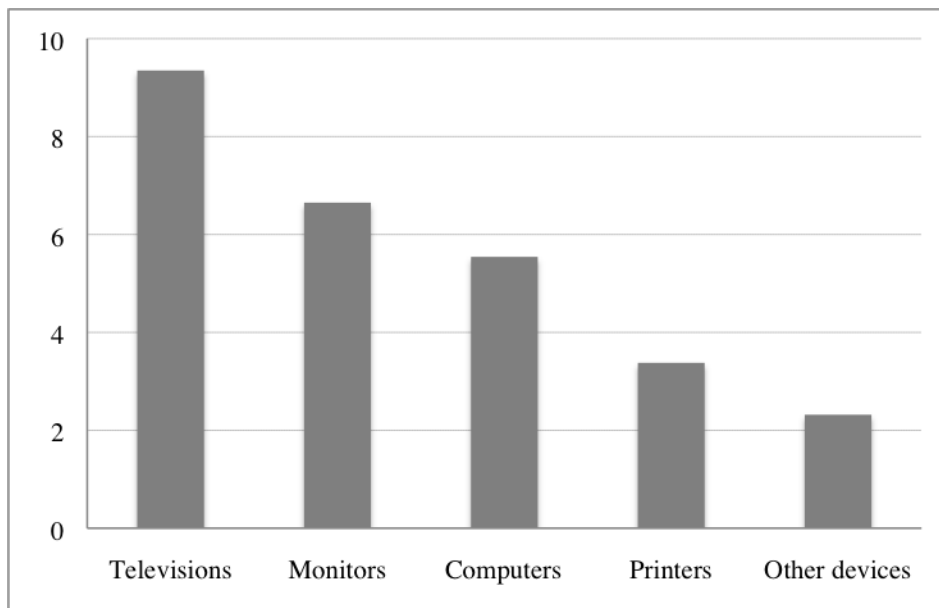
(continued on p. 2)

Inside this Issue

Survey of State Sales and Service Taxes	4
Biographies of New Legislators.....	6
Abstracts of Reports Required to be Filed With General Assembly.....	8

Recycling of Electronics is Promoted by 2008 Law (continued from p. 1)

Figure 1: Collections for Recycling in 2010 (millions of pounds, annual rate projected from first 6 months)



The statewide goal is allocated between two groups of manufacturers—those making television equipment and those making computer equipment—based on the weight of CEDs recycled by each group in the preceding year. The goal for each type of manufacturer is then allocated among individual manufacturers. For television makers, the allocation is based on the ratio of the weight of each manufacturer’s products *sold* to individuals at retail in the preceding year to the weight of all such sales in Illinois. For computer equipment makers, the allocation is based on the ratio of the weight of each manufacturer’s computer equipment *recycled* in the preceding year to all such computer equipment recycled.

When determining whether a manufacturer has met or exceeded its goal, weights of two categories of CEDs are doubled: those that are processed for reuse, and those that are collected by a manufacturer free of charge in counties that had no collection sites in the 2 years before the current year. Amounts are tripled for products donated for reuse by a manufacturer to a public school or a nonprofit entity that helps low-income people or assists the developmentally disabled in Illinois.

The Act’s way of inducing manufacturers to get their products recycled is a civil penalty of 70¢ for each pound by which a manufacturer’s recycling rate falls below its goal. That penalty will apply in 2012 if a manufacturer falls below 60% of its goal, and starting in 2013 if it falls below 75% of its goal. Other fines apply to violations of the Act’s registration and reporting requirements. Such penalties are to be collected in civil actions by the Attorney General.

Manufacturer Requirements

Manufacturers selling CEDs in Illinois must register annually with the EPA by paying a fee and submitting information on the brands of CEDs they sell, and whether any of those devices exceed acceptable levels of some elements such as lead. The registration fee is \$5,045 this year and is to be adjusted each year for inflation. Manufacturers failing to register are prohibited from selling their CEDs in Illinois. All registration fees go to the Electronics Recycling Fund, and may be used by the EPA to pay for administering the Act.

Each manufacturer must hire an independent auditor to perform quarterly checks on the amount of CEDs returned to recyclers or refurbishers that are under contract to that manufacturer; the auditor must submit the results to the

EPA. Each year every manufacturer must report to the EPA the weights of all recycled CEDs and any “eligible electronic devices” (EEDs— they are reported but not included in total weights used to determine goals); any weights that were doubled or tripled as allowed by the Act; a list of recyclers, refurbishers, and collectors that the manufacturer uses; and a summary of the manufacturer’s consumer education program that is required under the Act.

Recycler and Refurbisher Requirements

Recyclers and refurbishers who handle CEDs must also register with the EPA and pay an annual fee. The 2011 fee is \$2,018 (\$500 if the payer’s annual weight of CEDs and EEDs recycled or refurbished is less than 1,000 tons).

Recyclers and refurbishers must comply with health and safety requirements in the Act, including implementing personnel training programs; maintaining liability insurance in stated amounts; having annual environmental health and safety audits conducted; and maintaining detailed records of inbound and outbound shipments of electronic devices.

Collector Requirements

Collectors—meaning anyone who receives CEDs or EEDs directly from a residence for recycling or processing for reuse—must also register with the EPA. (Manufacturers, recyclers, and refurbishers that also act as collectors need not register as collectors.) No fee is required for entities acting only as collectors. Collectors must report annually to the EPA the weights of CEDs and EEDs collected in the previous year, and the amount delivered to each recycler or refurbisher.

Retailer Requirements

Retailers are to be the main source of information on electronics recycling for residential customers. At the time of each sale of a CED, a retailer must provide a residential customer with information on how to recycle it or return it for reuse. No retailer may sell or offer for sale any CED from a manufacturer that is not registered with the EPA, or a CED that is not labeled with a brand name.

Landfill Ban

Beginning in 2012, CEDs are not to be deposited in landfills or burned. But until 2014, counties and municipalities may seek temporary waivers from that ban from the Illinois Pollution Control Board, if they lack funds and lack collection opportunities.

Current Bill

Senate Bill 2106 (Garrett-J.Collins-Silverstein-Noland-Kotowski et al.—Biss-Sente-W.Davis-Jakobsson et al.) would expand the types of devices that are considered CEDs, and would require each manufacturer to recycle or reuse a set percentage of the weight of all CEDs that it collected 2 years before (40% in 2012, and 50% after that)—instead of the current system in which a new year’s goal is reduced if the previous year’s collections fell short of that year’s goal. It would also let the EPA enforce violations of the Act by “administrative citation,” and increase some fines. The bill passed the Senate 37-16 in that form, and has been assigned to the House Environment & Energy Committee. House Amendment 1 (Biss), adopted in that Committee, would expand the Act to cover many other kinds of consumer electronic devices including those designed for entertainment, and change many of its recycling

goals and enforcement procedures, among other changes. The amended bill awaited House action at press time. □

Sarah E. Franklin
Senior Research Associate

Martha Bass
Maria V. Gomez
Sarah Jin
Research Assistants

Mercury in Thermostats is Also to be Recycled

The Mercury Thermostat Collection Act (2010) requires every company that has owned a brand of thermostat containing mercury sold in Illinois to collect such old thermostats. The company must offer collection containers to wholesalers, retailers, contractors, and local environmental agencies, and provide public education (including a Website) on thermostat disposal. Starting July 1, 2011, wholesalers selling thermostats must participate in the collection program. Removed mercury thermostats must be taken to collection sites, not landfills.

Starting September 1, 2011, each thermostat maker must report twice yearly to the EPA on its collection program, with a description of public outreach strategies and data on results. The Act sets goals of collecting 5,000 mercury thermostats in 2011 and 15,000 in each of the next 3 years. There is no penalty for missing a goal, but there are fines for violating the Act.

Survey of State Sales and Service Taxes

Among the 45 states that have statewide sales taxes, rates range from 2.9% in Colorado to 7.25% in California. All but two states (Alaska and Oregon) tax some services. But few states tax services as broadly as sales, and service taxes provide a much smaller portion of state revenues.

This article briefly compares sales and service taxation in all states. It also addresses possible constitutional pitfalls for service taxation in Illinois. Table 1 on page 5 shows how many states tax various categories of services.

Sales Taxes

The two major dimensions on which states' sales taxes vary are (1) rates and (2) what is exempt. Illinois' statewide minimum rate of 6.25% (including 1.25% for local governments) is tied with two other states for 12th highest rate among the states with sales taxes. The median statewide rate is 6% (imposed by 12 states). Six states have rates of at least 7%; 12 have rates below 5%. (Added local taxes often push total rates considerably higher.)

Major categories that states exempt are: casual or isolated sales not made by businesses; prescription drugs and medical supplies; sales to governments; sales to non-profit organizations; motor vehicle fuel that is subject to fuel taxes; newspapers and/or periodicals; food not for immediate consumption; farm equipment; rolling stock (commercial transport vehicles); and manufacturing machinery and equipment. Illinois has exemptions for all but one of those categories (motor fuel). It taxes most foods not prepared for immediate consumption, and prescription medical products, at only 1%. Although Illinois' 6.25% normal rate is higher than most states', the low rate on food and prescription drugs helps persons of low or moderate income, many of whom spend substantial percentages of their incomes on those items.

Service Taxes

Even more states tax some services (48) than tax sales (45). But states' taxation of services varies greatly. A 2007 survey of state tax officials by the Federation of Tax Administrators, at least partially updated in 2010, reported how many services each state taxed. Among 12 categories of services used in the survey, leases and rentals of personal property were the most often taxed—48

states taxed some leases and rentals, including 28 that taxed substantially all of them. Other categories of services often taxed included admissions and amusements (46 states, of which 10 taxed substantially all); utility services (46 states, of which 7 taxed substantially all); and fabrication, installation, and repair (46 states of which 4 taxed substantially all). The least-taxed major categories of services were finance, insurance, and real estate (9 states, of which 4 taxed substantially all) and professional services (7 states, of which 4 taxed substantially all).

Tax rates on services range from as low as less than 1% in a few states to as high as 16% (in Arkansas, on some leases and rentals). But most service tax rates are between 4% and 7%, similar to the range for sales taxes.

Table 1 gives a brief look at how many states tax each of the 12 categories of services used for the survey. Illinois taxes services in a few of those categories. The only category in which it appears to tax half or more of services is utility services. Other kinds of services taxed in Illinois are automobile leases and rentals; lodging; computer software; calls to "900" numbers; prepaid telephone service; and photoprocessing. Illinois also taxes admissions to at least two kinds of amusements: riverboat casinos, and racetracks.

Constitutional Considerations

The Illinois Supreme Court has struck down some sales or service tax laws, ordinances, and rulings for arbitrary distinctions between things taxed and not taxed. The Illinois Constitution's Revenue article says this about uniformity in those taxes:

In any law classifying the subjects or objects of non-property taxes or fees, the classes shall be reasonable and the subjects and objects within each class shall be taxed uniformly. Exemptions, deductions, credits, refunds and other allowances shall be reasonable.

Three cases under that, or a somewhat similar section of the 1870 Constitution, are significant. In *Fiorito v. Jones* (1968) the Illinois Supreme Court held invalid changes to the Service Occupation Tax that (1) expanded its base to gross charges for services (including charges for tangible personal property transferred to customers), but (2) continued to apply the tax only if a service provider transferred some tangible personal property to the customer. The court said that if the result was a tax on *services*, it was too narrow because it exempted services

with which no tangible property was transferred; or if it was a tax on *personal property transfers*, it was too broad because it taxed total charges for service transactions, rather than only the charge for the personal property being transferred. An alternative ground for striking down the changes to the tax was that they restricted it to only four described categories of services—a restriction for which the court could find no rational basis.

In *Commercial National Bank v. City of Chicago* (1982), the Illinois Supreme Court struck down a Chicago service tax ordinance that exempted two classes of providers, because the court said they provided services similar or even identical to services by other providers that were taxed. The ordinance exempted providers in the “commodity or security business.” The court listed several kinds of services provided by firms in those businesses that were also provided by financial institutions, or accounting or law firms (to which the tax did apply), and stated that there was no “real or substantial difference between those taxed and those not taxed”

In *Federated Distributors, Inc. v. Johnson* (1988) the Illinois Supreme Court struck down an Illinois Department of Revenue ruling taxing fruit-flavored “wine coolers” at a much higher rate than beverages with similar alcohol content that the court described as “virtually identical.” Illinois Appellate Court cases in 1988 and 1990 held invalid (1) a Chicago tax on amusements that applied to satellite television services but not to cable television services franchised by the city, and (2) a Chicago revenue ruling that applied a tax to self-operated car washes but not to automatic or tunnel car washes.

These cases do not require that either all services be taxed or none be taxed. (As noted above, Illinois taxes a few kinds of services, apparently with no constitutional problems.) But the cases do show a need to avoid taxing one class of services or transactions while leaving a similar class untaxed. □

Sarah E. Franklin
Senior Research Associate

This article is based on a recently updated Research Response that is available to legislators and their staffs.

Table 1: Numbers of States Taxing Services, by Share of Services Taxed by Each

Key: ■ Substantially all services in this category are taxed.
 ■ At least half of services in this category are taxed.
 □ Fewer than half of services in this category are taxed.
 - No services in this category are taxed.

Boldfaced numbers indicate where Illinois is by portion of each kind of service that it taxes.

Category	■	■	□	-
Leases and rentals	28	16	4	2
Admissions and amusements	10	19	17	4
Utility service	7	28	11	4
Fabrication, installation, and repair	4	19	23	4
Computer-related services	5	9	33	3
Services to persons	5	7	35	4
Services to business	4	4	38	4
Transportation and automotive	4	12	14	20
Agriculture, construction, industry, and mining	5	4	20	21
Storage	6	4	16	24
Finance, insurance, and real estate	4	1	4	41
Professional services	4	1	2	43

Source: Federation of Tax Administrators, “Sales Taxation of Services—2007 Update” (Oct. 2008; some survey data updated March 2010, downloaded from FTA Internet site).

Biographies of New Legislators

House



Jason Barickman (R-105, Champaign) was appointed to replace Representative Shane Cultra after his appointment to the Senate. He served in the Illinois Army National Guard from 1992 to 2002. He has a bachelor's degree in political science from Illinois State University and a J.D. from the University of Illinois. He is a partner in the law firm Bartell, Barickman & Powell, and a part owner of a title company. His committee assignments are to the House Agriculture & Conservation, Bio-Technology, Consumer Protection, Higher Education, State Government Administration, and Telecommunications Committees.



Norine Hammond (R-94, Macomb) was appointed in December to replace the late Representative Richard Myers, after serving since 1999 as his legislative aide. She attended Western Illinois University. She was a member of Macomb's City Planning Commission for several years, and has also been a township trustee and supervisor. Her committee assignments are to the House Aging, Agriculture & Conservation, Appropriations—Higher Education, Consumer Protection, and Human Services Committees.



Pam Roth (R-75, Morris) was appointed to replace Representative Sue Rezin after she moved to the Senate. She has a degree in business administration and accounting from the University of Nevada at Las Vegas, and has been a certified public accountant since 1999. She most recently was senior financial analyst for the Morris nuclear power plant. She has served as a member and president of the Saratoga District 60C school board. Her committee assignments are to the House Aging, Appropriations—Elementary & Secondary Education, Appropriations—Human Services, Consumer Protection, Elementary & Secondary Education, and Environmental Health Committees.

Senate



Annazette Collins (D-5, Chicago) served in the House for 10 years before being appointed to the Senate to replace Senator Rickey Hendon, who had resigned. She has a bachelor's degree in sociology from Northern Illinois University, and an M.S. in criminal justice and graduate study in counseling from Chicago State University. She has been a social worker, correctional officer, and Chicago school administrator. Her committee assignments are to the Senate Education, Environment, Human Services, Licensed Activities, and State Government & Veterans Affairs Committees.



Shane Cultra (R-53, Onarga) served in the House from 2003 to 2010, when he was appointed to replace Senator Dan Rutherford after his election as State Treasurer. He has a degree in landscape and nursery management from Michigan State University, and has been involved with Onarga Nursery, a family business, since childhood. He also served 14 years on the Iroquois County Board, including one term as chairman. His committee assignments are to the Senate Labor (minority spokesperson), Local Government, Public Health, Redistricting, and Revenue Committees.



Christine J. Johnson (R-35, Shabbona) was appointed in February to replace Senator Brad Burzynski, who retired. She has a B.A. in journalism and public relations from Northern Illinois University. She was the DeKalb County Treasurer from 1994 to 2011, and has served in the posts of secretary, treasurer, and president of the Illinois County Treasurers' Association. She has also been a member or official of several other organizations related to local government and finance. Her committee assignments are to the Senate Education, Higher Education (minority spokesperson), Licensed Activities, and Public Health Committees.



Thomas Johnson (R-48, West Chicago) was appointed to the Senate last December, replacing Senator Randy Hultgren who was elected to the U.S. House of Representatives. He had served in the Illinois House from 1993 to 2003, and on the Prisoner Review Board since 2004. He is a Vietnam veteran and a graduate of the University of Michigan and DePaul University College of Law. After serving in the DuPage County state's attorney's office and practicing law privately, he retired from practice in 2004. He is also a small business owner. He is a member of the Senate Criminal Law, Gaming, Judiciary, Labor, and State Government & Veterans Affairs Committees, and minority spokesperson on the last-named committee.



Darin LaHood (R-37, Peoria) was appointed to the Senate in February, replacing Senator Dale Risinger who retired. He has a bachelor's degree in political science from Loras College in Dubuque, Iowa and a J.D. from John Marshall Law School. He served as a legislative assistant in the U.S. House of Representatives from 1990 to 1994; an assistant state's attorney in Cook and Tazewell Counties; and a federal prosecutor in the Nevada U.S. attorney's office. Since 2006 he has practiced law privately in a Peoria firm. His committee assignments are to the Senate Energy, Environment, Gaming (minority spokesperson), Human Services, and Transportation Committees.



Steven Landek (D-11, Bridgeview) was appointed to replace Senator Louis Viverito, who retired in January. He has a bachelor's degree in public administration from Roosevelt University. He has served in several local offices including parks commissioner, village trustee, and highway commissioner, and has been the mayor of Bridgeview since 1999. His committee assignments are to the Senate Appropriations II, Commerce, Human Services (vice-chairperson), Local Government, and Revenue Committees.



Ron Sandack (R-21, Downers Grove) was appointed to replace Senator Dan Cronin after his election as DuPage County Board Chairman. He has a B.A. from the University of Illinois and a J.D. from DePaul University College of Law. He is a former mayor of Downers Grove, and is a partner in the Chicago law firm Gaido & Fintzen. His committee assignments are to the Senate Appropriations I, Financial Institutions, Judiciary, Labor, and Licensed Activities Committees (he is minority spokesperson on the last).

(Several additional new members were appointed just before this edition of First Reading went to press, and will be included in the next edition).

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.

Adult Redeploy Illinois Oversight Board

Annual report, FY 2010

Adult Redeploy Illinois offers financial incentives to counties implementing community service plans in lieu of prison for nonviolent offenders. Grants are to be awarded for a 25% reduction in the number of people imprisoned (with penalties for missing the reduction goal). DuPage, Jersey, Macon, and St. Clair Counties were approved for pilot site implementation starting Jan. 1, 2011. Sites have committed to divert 157 people from prison and save the state \$1.5 million. (730 ILCS 190/20(e)(2)(I)); Dec. 2010, 24 pp.)

Attorney General

Automated Victim Notification System report, FY 2010

The Automated Victim Notification system informs victims, witnesses, police, and the public by telephone and e-mail of changes in an offender's custodial and case status. On Nov. 1, 2010, it had information on 62,843 offenders and over 463,429 open criminal cases. User registrations rose 13.4% from FY 2009 to 2010. In FY 2010 the system provided 97,861 telephonic notifications (up 30% from FY 2009) and 20,656 e-mail notifications (up 12%). A planned

improvement will provide notifications about sex offenders. (725 ILCS 120/8.5(g); Dec. 2010, 4 pp.)

Capital Punishment Reform Study Committee

Final report, 2010

Lists death sentences imposed 2003-2009, including differences by race and geography. Describes reforms related to electronic recordings of suspect interviews, lineups and photo spreads, selection of cases for capital punishment, capital litigation trust funds, training of prosecutors and defense lawyers, trial preparation, jury instructions and questionnaires, judicial review of capital sentences, forensic laboratories, and families of murder victims. Explains financial and other consequences of reforms. (20 ILCS 3929/2(d); Oct. 2010, 163 pp. + 15 appendices)

Central Management Services Dept.

Bilingual needs and pay survey, FY 2010

Of 49 responding agencies, 32 reported bilingual needs. Agencies reported 1,507 bilingual positions required. In all, 1,696 employees (1,102 Hispanic and 184 non-Hispanic) got bilingual pay; 389 got pay for sign language; 21 were for Braille. Department of Human

Services reported needing the most bilingual employees, 1,057. (20 ILCS 415/9(6); Dec. 2010, 15 pp.).

Commerce Commission

Cable and video service access annual report, 2010

The ICC received one new request for authorization to provide video and/or cable service, which it approved. AT&T submitted its second annual report, stating plans to meet its statutory obligations by October 2010. On Dec. 31, 2009 AT&T provided access to 31% (goal 35%) of households in its service area, of which 26% (goal 30%) were low-income. AT&T has until October 23, 2010 to reach its goals. (220 ILCS 5/21-1101(k); June 2010, 7 pp. + 1 report + 2 attachments)

Transportation regulatory fund annual report, FY 2010

Fund received \$10.6 million and spent \$9.3 million: \$4.4 million to regulate motor carriers and \$4.8 million for railroads. Income was \$6.4 million from motor carriers and \$4.1 million from railroads. Fund had 63 employees. (625 ILCS 5/18c-1604; Sept. 2010, 8 pp.)

Commerce and Economic Opportunity Dept.

Build Illinois revenue funds, FY 2010

Build Illinois Capital Revolving Loan Fund fell from \$10 million to \$5.39 million; Illinois Equity Fund grew from \$739,000 to \$866,000; and Build Illinois Large Business Attraction Fund shrank from \$1.37 million to \$1.01 million. Build Illinois Capital Revolving Loan Fund loan, investment, award, and grant disbursements totaled \$1.24 million; Illinois Equity Fund disbursements, \$0; and Build Illinois Large Business Attraction Fund disbursements,

\$500,000. (30 ILCS 750/9-9 and 750/10-9; Dec. 2010, 4 pp.)

Enterprise zone annual report, FY 2010

DCEO has designated 97 enterprise zones. In FY 2010, investments of \$2.65 billion created 9,078 jobs and kept 15,966 jobs. Describes incentives generally; lists investment amounts and jobs by zones; and gives populations of counties having zones. (20 ILCS 655/6; Oct. 2010, 11 pp.)

High Impact Business designation

Pioneer Trail Wind Farm, LLC is designated for up to 20 years as a Wind Energy and High Impact business qualifying for building materials sales tax exemption for a facility in Ford and Iroquois counties. (20 ILCS 655/5.5(h); Jan. 2011, 2 pp.)

Illinois River Edge Redevelopment Program report, FY 2010

This pilot program offers tax credits, exemptions, and grants to developers and businesses along riverfronts. DCEO designated zones in Aurora, East St. Louis, Elgin, and Rockford. They were expected to create or keep 219 jobs with nearly \$32 million in investments in FY 2010. (65 ILCS 115/10-6(a)(1); Oct. 2010, 3 pp.)

Corrections Dept.

Quarterly report to the legislature, January 1, 2010

As of November 30, 2009, adult facilities had 45,083 inmates—31.4% over rated capacity of 34,301 but 2.04% below the 46,021 projected using FY 2008 data. Ratio of inmates to security staff was 6:1. Nearly all inmates were double-celled (69%)

or multi-celled (23%), with approximately 38 square feet of actual living area each. Enrollment in educational and vocational programs was 8,544 (unduplicated). Population in transition centers was 1,095 (185 below capacity). One capital project was funded: maximum-security correctional center at Thomson (1,600 beds; occupancy date unknown). (730 ILCS 5/3-5.31; Jan. 2010, 12 tables)

Early Learning Council

Annual report, FY 2010

The Council met 3 times in FY 2010. Since developing a plan for Pre-school for All, it has worked to make it the benchmark for high-quality early learning programs for all 3- and 4-year-olds. Council developed a toolkit on home visiting models that best fits the needs of families, and recommended changes to licensing standards for center-based infant, toddler, and 2-year-old child care programs. (20 ILCS 3933/15; undated, rec'd June 2010, 20 pp.)

Education, State Board of

Waivers of School Code Mandates, spring 2010

Chart classifies 108 requests for waivers into 19 categories, listing their status: Content of Evaluation Plans (3 transmitted to G.A.); Contracts (1 transmitted); Driver Education (24 transmitted, 2 approved); Educational Service Center Administration (1 transmitted); Funds (1 transmitted); Legal School Holidays (2 approved, 4 withdrawn or returned); Limitation of Administrative Costs (16 transmitted, 2 withdrawn or returned); Nonresident Tuition (10 transmitted, 1 withdrawn or returned); Parent-Teacher Conferences (1 withdrawn or returned);

Physical Education (25 transmitted); Principals—Duties (1 transmitted); School Food Program (1 approved); School Improvement/In-service Training (6 transmitted); Statement of Affairs (1 transmitted); Superintendent—Interim (1 transmitted); Transitional Bilingual Education—Administrators (2 denied by SBE); Transitional Bilingual Education—Administration (Appeal) (1 transmitted); Transitional Bilingual Education—Student-Teacher Ratio (1 denied); Transitional Bilingual Education—Student-Teacher Ratio (Appeal) (1 transmitted). Lists 90 requests transmitted to General Assembly; appeals of applications denied by State Board; and all requests submitted, arranged by General Assembly district. (105 ILCS 5/2-3.25g; March 2010, 22 pp.)

Educational Labor Relations Board

Annual report, FY 2010

Board handled 83 representation cases; was involved in mediation in 4 strikes; and considered 339 unfair-labor-practice cases. Summarizes major board decisions and court rulings. Board's budget was \$1.05 million. (115 ILCS 5/5(j); Jan. 2011, 17 pp.)

Healthcare and Family Services Dept.

Payments for services from past years and changes in liabilities, FY 2010

In FY 2010, DHFS paid \$1.05 billion for medical services provided in earlier years—including \$94.5 million for which claims were received in those years. DHFS provided health care to 1.6 million

(continued on p. 10)

Abstracts *(continued from p. 9)*

children and 1.0 million adults (including 250,000 with disabilities and 160,000 seniors). (30 ILCS 105/25(e) and (g); Nov. 2010, 6 pp.)

Higher Education, Board of *Budget recommendations, FY 2011*

Total general fund recommendations for operations and grants were \$2.12 billion to \$2.29 billion based on four options. Minimum general fund recommendations for institutions were: U of I, \$697 million; community colleges, \$298 million; SIU, \$219 million; NIU, \$102 million; ISU, \$80 million; WIU, \$56 million; EIU, \$47 million; Northeastern, \$40 million; Chicago State, \$39 million; Governors State, \$26 million; and IMSA, \$18 million. (110 ILCS 205/8; Jan. 2010, 77 pp.)

Public university revenues and expenditures, FY 2010

Illinois public universities reported \$6.44 billion in revenues and \$6.04 billion in spending in FY 2010. For first time since reporting began, University Income funds were the largest revenue source (22.5%). Spending from all sources grew 1.5% from \$5.95 billion in FY 2009 to \$6.04 billion in FY 2010. (30 ILCS 105/13.5; Nov. 2010, 5 pp. + 7 tables + 10 figures + 5 appendices)

Human Services Dept.

Emergency Food and Shelter Program and Supportive Housing Program, FY 2010

Using public and private shelters, the program provided 2.1 million shelter nights, 1.4 million meals, and 2.1 million units of supportive services to homeless persons in

FY 2010. It received approximately \$8.7 million. Supportive Housing Program provided services to 9,077 persons in 6,076 households on an \$8.8 million budget (305 ILCS 5/12-4.5; Oct. 2010, 40 pp.)

Inspector General's report on abuse and neglect of adults with disabilities, FY 2010

The Inspector General (OIG) received 3,184 allegations of abuse and neglect at facilities (967), agencies (1,500), and domestic settings (717). Reported incidents rose due to expanded definitions of abuse and neglect, including addition of financial exploitation. Of the alleged acts, 1,390 were physical, 172 sexual, 547 mental, 118 financial, and 957 neglect. OIG cited 232 cases of late reporting. It completed 2,840 investigations and averaged 40 days per case. It closed 2,870 investigations, of which 350 were substantiated (211 in community agencies, 96 in domestic settings, and 43 in facilities). It visited all 18 DHS facilities unannounced, and made 10 repeat recommendations. Training on reporting and investigating abuse or neglect occurred in 70 sessions with 1,242 participants. (20 ILCS 2435/60; Nov. 2010, 39 pp.)

Social Services Block Grant Fund report FY 2010, 3rd quarter

Fund began quarter with \$6.4 million and received \$19.4 million. It paid \$9 million to General Revenue Fund, \$5.5 million to Special Purpose Trust Fund, and \$5 million to Local Initiative Fund, ending the quarter with \$6.3 million. (305 ILCS 5/12-5; May 2010, 1 p.)

Spousal Caregiver Demonstration Project, 2010

Pilot project using spouses as paid

caregivers to Home Services Program participants began March 1, 2010. The project is limited to serving 100 unduplicated people in La Salle, Knox, Tazewell, Madison and Jackson counties. Project is to be funded from the General Revenue Fund unless it can be funded through the Medicaid program. Project is administered by the Department of Human Services, Division of Rehabilitation Services. Final report will be issued March 1, 2011. (305 ILCS 5/5-208(b); Feb. 2010, 9 pp.)

Integrated Justice Information System Implementation Board

Annual report, FY 2010

Created in 2003, the Board's purpose is to improve justice information sharing in Illinois. In FY 2009, it hosted a third statewide summit and modified its subcommittee structure. (Exec. Order 03-16 (2003); March 2010; 11 pp.)

Investment, State Board of

Report on Emerging Money Managers, FY 2010

Board allocated over \$1 billion (11.6% of its assets) to emerging managers. Emerging and/or minority-owned firms manage \$2.8 billion in equities and fixed-income assets (27.1% of the Board's total assets). The Board sets its minimum brokerage goal at 20%; each manager with less than 20% usage must provide a written explanation. (40 ILCS 5/1-109.1(4); Dec. 2010, 11 pp.)

Juvenile Justice Dept.

Quarterly report to the legislature, October 1, 2009

On August 31, 2009 there were 1,232 youth in all juvenile institutions—29.8% below rated capacity of 1,754. Ratio of security staff to

youth was 0.552. Most youth were single-celled (59%) or double-celled (36%), with about 92 square feet of actual living area each. No capital projects were funded. (730 ILCS 5/3-5-3.1; Oct. 2009, rec'd March 2010, 9 pp.)

Labor Dept.

Child Labor Law report, FY 2010
Department investigated 1,016 establishments in FY 2009 and cited 200 violations of Child Labor Law; penalties totaled \$14,725. Largest category of violations (69.5%) was for working hours too early or too late in the day. The 12,575 employment certificates issued were 2,030 (13.8%) fewer than in FY 2009. (820 ILCS 205/18.2; Dec. 2010, 3 pp.)

Equal Pay Act report, FY 2010

Department received 56 new complaints and investigated 57 (including some from FY 2009). Back pay totaling \$199,817 was paid in FY 2010. (820 ILCS 112/50; Dec. 2010, 3 pp.)

Law Enforcement Training and Standards Board

Mobile Team Training Units report, FY 2010

The 16 units trained 43,108 police officers and criminal justice professionals at an average cost of \$172 each. Federal, state, and local funding provided \$7.99 million. Units offered 62 mandatory firearms courses to 479 officers. Includes 10-year review of state-funded expenditures. (50 ILCS 720/6; Jan. 2011, 17 pp.)

Public Health Dept.

Animal Population Control Program, FY 2010

The Program allows Illinois residents getting Food Stamps (now called SNAP) or Social Security disability income to have their household pets spayed or neutered by veterinarians for \$15. In FY 2010, 118 veterinarians from over 60 counties agreed to participate, and 84 fixed 1,343 animals at a total cost of \$220,000. (510 ILCS 92/20; Sept. 2010, 2 pp.)

Medical student scholarship program annual report, FY 2010

Scholarships for \$1.2 million went to 21 medical students in FY 2010. Of those, 57% attended public and 44% attended private medical schools; 33% were male and 67% were female; and 33% were members of minority races. Also, 19 past scholarship recipients began practice in Illinois, with 64% in family practice and 52% in rural areas. (110 ILCS 935/9; undated, rec'd Dec. 2010, 10 pp.)

Prostate and Testicular Cancer Program, FY 2010

Program aims to promote awareness and education about these cancers, and to start and promote screening programs. It made grants to 14 agencies, and screened 3,300 men for prostate and 920 for testicular cancer. Describes cancer incidence and mortality rates. (20 ILCS 2310/55.90(b)(4); June 2010, 9 pp.)

State Fire Marshal

Annual report 2010

Arson Investigation Division did 1,260 investigations with 104 arrests. Office did 45,639 boiler and

pressure vessel inspections; wrote 1,460 violation notices; and did 13 audits of companies that work on pressure equipment. Division of Petroleum and Chemical Safety made 538 field inspections and issued 1,860 violation notices. Office gave 12,608 written exams to firefighters and processed 11,294 certifications. Since starting in 2003, Fire Equipment Exchange Program has donated over 12,000 pieces. (50 ILCS 740/13; Feb. 2011, 18 pp.)

State Universities Retirement System

Minority-, female-, or persons with a disability-owned investment managers, FY 2010

On June 30, 2010, 21 (46%) of SURS' 45 investment management firms were owned by minority members, women, or persons with disabilities. They managed \$2.03 billion (16.7%) of the \$12.2 investment portfolio billion—up 26% from \$1.6 billion in 2009. Explains SURS' method of choosing investment managers and includes affirmative action reports of emerging businesses and others providing investment services to SURS. (40 ILCS 5/1-109.1; Dec. 2010, 13 pp. + appendices)

State's Attorneys Appellate Prosecutor

Annual report, FY 2010

Agency completed 1,671 cases. Local Drug Prosecution Support Unit helped in 4,107 criminal and 1,609 drug asset forfeiture cases. Labor Unit represented 20 counties; Tax Objection Division helped in 46 cases in 16 counties; and Special Prosecution Unit helped with 608 cases in 78 counties. The agency expanded the courses and

(continued on p. 12)



FIRST READING

A publication of the Legislative Research Unit

Alan R. Kroner
Executive Director

Jonathan P. Wolff
Associate Director

David R. Miller
Editor

Dianna Jones
Composition & Layout

Abstracts *(continued from p. 11)*

hours in its Continuing Legal Education programs. It opened an interactive Website, including an online version of the Illinois Uniform Complaint Book. (725 ILCS 210/4.06; Sept. 2010, rec'd Dec. 2010, 36 pp.)

Transportation Dept.

Highway Improvement Program, FYs 2011-2016

The \$12.84 billion, 6-year plan includes \$7.292 billion in federal, \$4.888 billion in state (including \$142 million in bonds from the Governor's Jump Start Capital Plan), \$2.49 billion from the Illinois Jobs Now! bond program, and \$660 million in local funds. It would repair 4,739 miles of roads and replace or rehabilitate 763 bridges. Projects include bridge construction over Mississippi River near East St. Louis (\$409 million); resurfacing, bridge repair, and riprap on Interstate 55 in Macoupin County to Farmersville (\$51 million); and bridge replacement and drainage

improvements on I-90 Kennedy Expressway at Cumberland Avenue east of O'Hare Airport (\$20.1 million). (20 ILCS 2705/2705-200; April 2010, 26 pp. + 10 appendices)

Rental of right-of-way parcels, FY 2010

Shows rental of right-of-way parcels until needed for highway construction, with details by county including number of rented parcels, number of parcels with build-ings or improvements, and total rent received. The 293 parcels (26 with improvements) earned \$985,091 in rent. (605 ILCS 5/14-201.16; July 2010, 7 pp.)