

## 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 the Governor’s actions on those he had acted on. A total of 623 bills passed both houses in the spring 2010 session. This issue summarizes 227 bills of general interest, classified into 13 categories.

Major bills that passed both houses will require major changes in operations at Chicago’s Metropolitan Pier and Exposition Authority; strengthen evaluation standards for teachers and principals; increase protection of minors against sex crimes; improve patient care and safety in nursing homes; allow pilot projects to convert waste products into fuels; and further deregulate telecommunications. Other measures will authorize more ways to collect debts owed to the state; add new measures to prevent fraud, abuse, and waste in state agencies and programs; authorize forfeiture of property obtained through public corruption; and allow the Governor to decide how to allocate part of the state budget to deal with the state’s severe fiscal crisis.

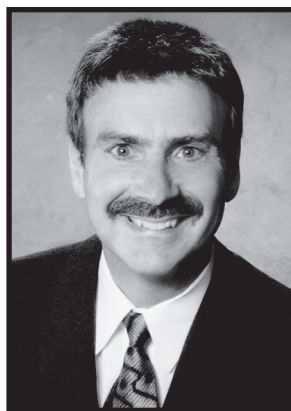
Page 30 of this issue gives Public Act numbers for laws resulting from bills summarized here that were signed by press time. Information on all bills of the 2010 session is available at:

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# Appropriations & State Budget

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***The state's operating budget for fiscal year 2011 is \$56.6 billion—\$496 million below last year's \$57.1 billion. Appropriations from the General Funds fell 2.0% from \$26.3 billion to \$25.8 billion. There was no significant change in appropriations in other categories; other state funds remained at \$20.6 billion, and federal funds at \$10.2 billion.***

The state's operating budget for FY 2011 was passed in two bills. House Bill 859 made FY 2011 appropriations; S.B. 1215 amended H.B. 859 and made further appropriations. As passed, these bills included \$56.9 billion in appropriations, including \$26.0 billion from the General Funds.

The Governor put an item veto on one appropriation and reduction vetoes on several others, reducing the total by \$155.2 million. He also announced plans to reduce spending by \$891 million more.

The General Assembly also passed supplemental appropriations for FY 2010 and authorized the sale of \$250 million in bonds to take advantage of federal Medicaid matching funds; they must be repaid within 1 year.

An Emergency Budget Act (enacted by S.B. 3660, Cullerton-Lightford et al. — Currie-Dunkin) was also used to deal with the year's "unprecedented fiscal crisis." Those provisions are in Article 1 of P.A. 96-958; its other articles make other budget-related changes, including securitization of tobacco settlement funds.

As in FY 2010, the FY 2011 operating appropriations from General Funds were made in lump sums rather than being appropriated for specific line items, leaving some discretion on how to cut spending. But the Emergency Budget Act calls for the appropriations committees of each house to review individual line items and the total budget of each agency in future fiscal years.

House Bill 859, P.A. 96-956 authorizes the Governor to direct to state agencies

\$3.5 billion—similar to an authorization in FY 2010. Of that sum, \$2.2 billion must be used for human service providers and programs; the rest (about \$1.2 billion) has no similar restriction. By press time the Governor had allocated about a third of the total at his discretion.

The Emergency Budget Act says that until January 9, 2011 the Governor may set aside some appropriated amounts in a contingency reserve, to be spent only with his approval or if the General Assembly raises additional revenue to support the spending. A similar provision allowed a reserve of \$1.1 billion in FY 2010; this year's reserve is limited to one-third of the sum of (1) unpaid vouchers on July 1, 2010 and (2) FY 2010 mandated transfers not executed by that date.

The agencies getting the largest dollar increases (based on only part of the Governor's \$3.5 billion allocation) are the Illinois Student Assistance Commission (\$27.5 million, 3.4%); Department of Natural Resources (\$26.3 million, 10.3%); Governor's Office of Management and Budget (\$15.9 million, 4.9%); Gaming Board (\$9.0 million, 7.0%); and Department of Financial and Professional Regulation (\$7.2 million, 8.9%).

The ISAC increase is for spending authority in case the Commission receives more private and federal grant funds to support outreach, research, and training activities. The DNR increase is primarily from federal funds, which support projects to restore the Great Lakes and control Asian Carp. DNR appropriations from the General Revenue Fund

dropped by about \$3.5 million (6.3%) as a result of cash management; appropriations from other state funds dropped by over \$21 million (11.6%). The GOMB increase was for higher payments related to an increase in Build Illinois Bonds. The Gaming Board increase was for operations related to video gaming and issuance of a 10th riverboat license. The DFPR increase was primarily due to a new cemetery law and a community association manager law.

The agencies with the largest dollar reductions (after only part of the Governor's \$3.5 billion allocation) are the Department of Human Services (-\$1.5 billion, -22.5%); Teachers' Retirement System (-\$829.4 million, -87.2%); Department of Commerce and Economic Opportunity (-\$288.3 million, -10.8%); Department of Revenue (-\$235.7 million, -16.4 million); and State Universities Retirement System (-\$147.5 million, -97.3%). The DHS reduction, likely to be mitigated by further allocations by the Governor, will be primarily in programs not receiving Medicaid matches, such as after-school and community health programs. The TRS decrease is due to unavailability of General Funds support. It will not prohibit retirement contributions, because spending is authorized under the State Pension Funds Continuing Appropriation Act. The DCEO decrease is primarily due to reduced appropriations of stimulus funds for energy programs. Also, DCEO appropriations from General Funds declined nearly \$14 million; but the FY 2011 appropriation is similar to the FY 2010 appropriation before the Governor's allocation of additional funds that year.

Similarly, the Department of Revenue reduction is due to decreased stimulus funds that the Department received for the Illinois Housing Development Agency, for which IDOR is the “funding agent.” The SURS decrease is mostly from an elimination of state pension fund appropriations. But the FY 2011 budget implementation act, enacted by S.B. 3662, includes continuing appropriation authority to SURS from that fund for retirement contributions. Additional continuing appropriation authority will allow SURS to receive contributions and make retirement payments.

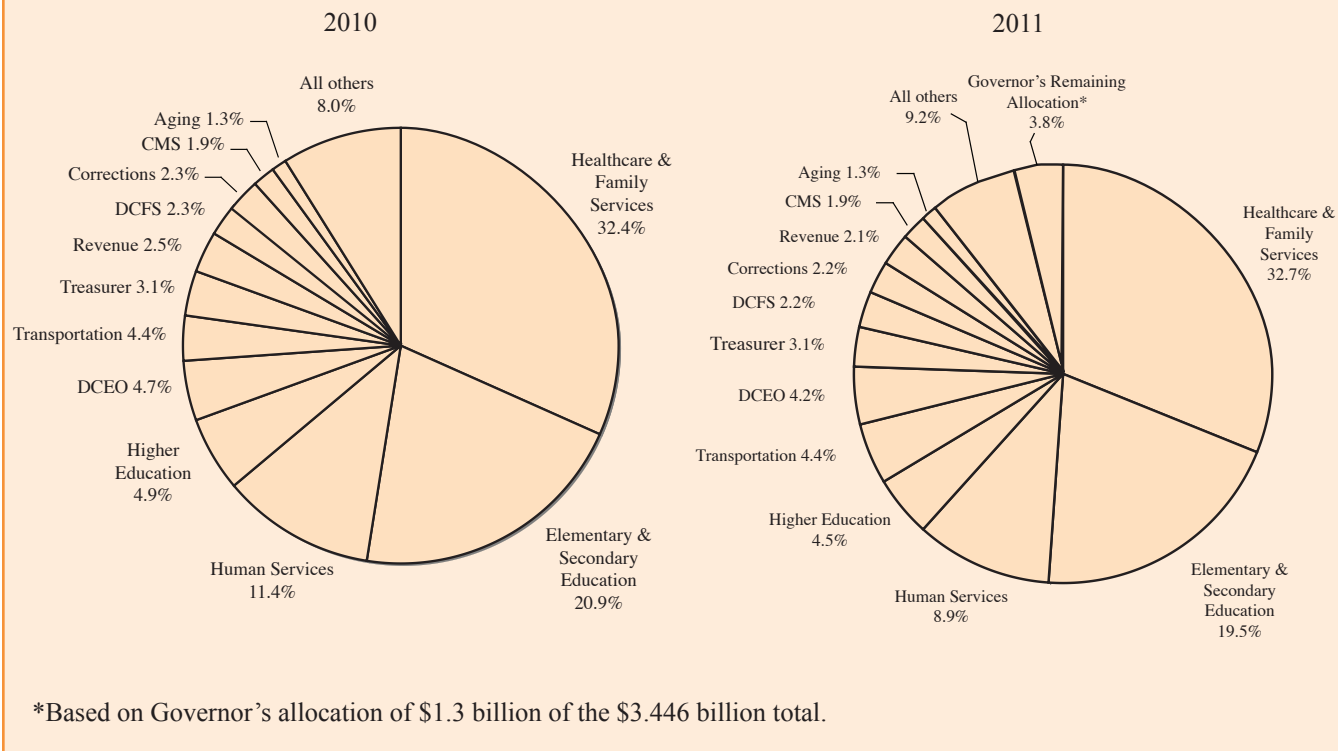
Elementary and secondary education gets \$902 million (7.6%) less from all funds, primarily due to the Teachers’ Retirement System reduction; the State Board of Education gets \$73 million less than last year—mostly resulting from a decrease of over \$570 million in General Funds that was partly mitigated by a \$490 million increase in appropriations from federal funds. Local education’s share of the total budget fell from 20.9% to 19.5%; its share of General Funds spending fell from 31.4% to 26.6%. The Foundation Level per student will remain at \$6,119 in 2010-11.

State college and university appropriations from all funds fell \$251 million (8.9%) to \$2.6 billion. The percentage of the total state budget going to higher education dropped from 4.9% to 4.5%; the percentage of General Funds dropped from 8.5% to 8.1%.

Total appropriations for operations were \$1.6 billion (2.8%) higher than the Governor’s budget recommendations; General Funds appropriations for operations were \$1.3 billion (4.9%) below his recommendations.

It is difficult to predict how General Revenue Fund pension contributions will affect spending for other purposes, since the current budget leaves the issue of GRF pension contributions largely unresolved. But the Governor has said that he intends to make the entire pension contribution in FY 2011.

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



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# Business & Economic Development

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*The General Assembly voted to make major changes in the business operations of the Metropolitan Pier and Exposition Authority, and allow some further deregulation of telecommunications. Regulation of financial institutions is consolidated in a new division in the Department of Financial and Professional Regulation. Last year's cemetery revelations resulted in extensive new requirements on cemeteries and crematories. New incentives will promote "green" manufacturing and hiring of more workers.*

**Animal Adoption.** Existing requirements that pet sellers disclose information on animals offered as pets are extended to animal shelters and animal control facilities. Added requirements are to disclose birthdate if known, color, and all fees required. Pet shops must also disclose the date and reason for any return by a previous buyer; known congenital or hereditary diseases of parents or siblings; and pedigree information if eligible for pedigree registration (H.B. 5772, Mendoza-Hamos-Connelly-Fritchey-Coulson et al. — Schoenberg-Garrett-J.Collins et al.).

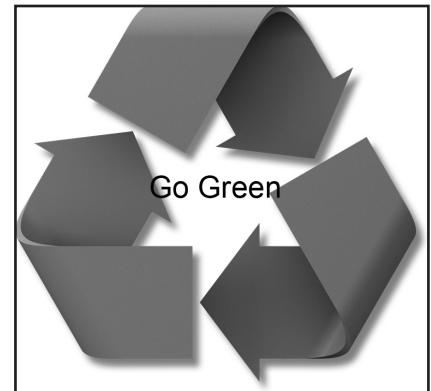
**Cemeteries.** A new Cemetery Oversight Act replaces the Cemetery Care Act and Cemetery Association Act over a transition period until March 2012. The Crematory Regulation Act is extensively amended. During the transition, the Department of Financial and Professional Regulation (DFPR) will take over licensing of cemetery authorities, managers, and customer service employees. Those managers and employees must pass examinations by DFPR, which must receive information on each cemetery worker. It may audit a cemetery authority or its owner before any sale of substantially all assets. Cemetery authorities' dealings with cemetery care funds will be regulated; any licensee holding at least \$250,000 in funds must be audited at least annually by DFPR. Each cemetery authority must have a map or plat open to public inspection and an index of the places where all remains are laid to rest after February 2010. DFPR must certify a Cemetery Oversight Database

to receive information on remains laid to rest, or relocated, in the future. Each cemetery authority must send annual reports to DFPR.

The Comptroller's powers to supervise cemetery associations are transferred to DFPR, and enforcement over the associations greatly strengthened (including adding whistleblower protections). DFPR can bring administrative and court actions to enforce the Crematory Regulation Act. Home rule is preempted. Small, family, religious, and inactive cemeteries can apply to DFPR for exemption from this act (H.B. 1188, M.Davis-D.Brady-Dunkin et al. — Trotter-E.Jones-J.Collins).

**Debt-Settlement Providers** must be licensed by DFPR and bonded. They must disclose to would-be customers information set forth in this act; show all charges in written contracts; and account to each customer monthly. The fees they charge are limited. Until a contract is completed, the customer may cancel for a partial refund. Exceptions apply to lawyers, accountants, and some other providers of professional or related service within their practices (H.B. 4781, Colvin-Yarbrough-Black-W.Davis-Lyons et al. — J.Collins-Martinez-Holmes-Rutherford-Kotowski et al.).

**Disadvantaged Businesses.** Recipients of state grants or loans of at least \$250,000 for capital construction costs or professional services must certify that they will comply with state laws on business enterprise program practices



and equal employment practices, and must submit their business enterprise program plans for businesses owned by minorities, females, and persons with disabilities, before signing grant or loan agreements. Such recipients may ask the Business Enterprise Council for Minorities, Females, and Persons with Disabilities to waive the contracting goals for those groups. Each chief procurement officer must maintain an on-line database of waivers. Each public notice of the award of a state contract must include specified bid information (S.B. 3249, Sandoval-Raoul-J.Collins et al. — Burns-Arroyo-Hernandez-Dunkin-Berrios et al.).

**Electricity Sales Reps.** Any third-party sales representative marketing electricity at retail must disclose that the utility bringing electricity to the area does not employ the sales rep. Persons licensed as electricity agents, brokers, or consultants must disclose to all persons solicited their compensation over the life of a contract (until July 2011) or (after June 2011) the price per kilowatt-hour and total anticipated price over the life of a consumer contract (H.B. 6208, Nekritz-Currie-Flider-Tryon-Verschoore et al. — Silverstein-Risinger-Martinez-Syverson-Schoenberg et al.).

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**Financial Regulation. Consolidation.** Financial institution and pawnbroker regulation under several state acts is consolidated in a new Division of Banking within DFPR as successor to the Office of Banks and Real Estate. The Secretary of DFPR gets broad powers for liquidating or temporarily closing troubled savings banks and savings and loan associations, and for regulating pawnbrokers by methods including licensing their managerial employees and taking other measures to protect their customers (S.B. 2996, Lightford-J.Collins-Rutherford—Hoffman-Currie-M.Davis).

**Small loans.** The limit on sizes of loans covered by the Consumer Installment Loan Act is raised from \$25,000 to \$40,000, and their annual percentage rates (APRs), formerly unlimited, may not exceed 36%. A new class of “small consumer loans” limited to \$4,000 is created. APRs on such loans of up to \$1,500 cannot exceed 99%. Monthly payments on a small consumer loan may not exceed 22.5% of the borrower’s documented gross monthly income; refinancing of small consumer loans is restricted. Another new class of loan called an “installment payday loan” is created, payable in 16 weeks to 180 days. New payday loans are restricted based on the borrower’s outstanding total of such loans (H.B. 537, Lang-Farnham-Crespo-C.Gordon-M.Davis et al.—Lightford-J.Collins-Steans-Rutherford-E.Jones et al.).

**Food for Schools.** After getting funding, the Department of Agriculture will work with the Local Food, Farms, and Jobs Council to offer on its Web site an electronic database to help schools find farmers offering fresh food and vice versa (S.B. 615, Holmes-Wilhelmi-Hutchinson-J.Collins—Ford-Sente-W.Davis-Flowers et al.).

**“Green” Manufacturing.** The Department of Commerce and Economic Opportunity (DCEO) will use a new Green Manufacturing Grant Fund to make grants up to \$250,000 to manufacturers with up to 500 employees for equipment to reduce environmental impact and costs by reducing air pollution, landfill use, or water use; recycling waste or removing toxins from products; or developing or changing facilities to produce renewable energy or energy efficiency products (H.B. 6030, May-Osterman-M.Davis-Fortner-Farnham et al.—Steans-Schoenberg-Kotowski et al.).

**Insurance Compact.** Illinois joins 35 other states in a compact authorizing the Interstate Insurance Product Regulation Commission to set uniform standards for annuity, life, and disability policies, and for policies and advertising of insurance for long-term care. No insurer is required to submit policy forms to the Commission; but if it does, and the Commission approves, it may sell the policies in any member state where it can do business. Any member state may opt out of a uniform standard for a type of policy (S.B. 2544, Haime et al.—Mautino-J.Watson-Osmond et al., **Amendatorily Vetoed**).

**McPier Changes.** All Metropolitan Pier and Exposition Authority (MPEA) contracts with exhibitors, contractors, and managers must allow exhibitors to set up and dismantle exhibits; restrict what managers charge exhibitors for labor; empower the MPEA to determine the jurisdiction and scope of union employees’ work during shows; and limit crew sizes, among other changes. An Advisory Council will promote exhibitor satisfaction and dialogue among affected parties. Semiannual financial audits will verify cost reductions to exhibitors.

The MPEA must make every effort at substantially reducing exhibitors’ costs. Contracts for food or drink on its premises (except Navy Pier) must limit costs to those in the contracts. No unit of the MPEA may be its exclusive provider of electrical services. The MPEA must make a marketing agreement with a local tourism and convention bureau. It may sell naming rights to part or all of its property.

The MPEA’s interim Board created under P.A. 96-882 is replaced by a 7-member interim Board appointed by the Governor, Chicago’s Mayor, and their 6 appointees. James Reilly assumes the powers of the Board as Trustee for at least 18 months. The permanent Board will have 9 members—4 each chosen by the Governor with Senate approval and Chicago Mayor, and 1 by the other 8. The Trustee and new Boards must comply with the Illinois Governmental Ethics Act and other ethics requirements.

Taxes on ground travel from Chicago commercial airports are doubled; the increase will help fund the convention and tourism bureau’s efforts for the MPEA (75%) and improve Rosemont’s convention center (25%). The distribution of revenues from MPEA taxes is changed to address recent years’ deficiencies. The MPEA’s debt authority is raised from \$2.107 billion to \$2.557 billion, with the increase planned for hotel construction and improving existing facilities. The MPEA must disclose details on each bond issue within 60 days after issuance.

The MPEA must use a request-for-proposal process when contracting for over \$25,000 of professional services or over \$10,000 for bond issuance, and such contracts must be approved by the Board. Businesses contracting with the MPEA for more than \$50,000 per year may not make political contributions to the Governor, Chicago Mayor, or candidates for their offices.

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## Business & Economic Development

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Amounts to be deposited into the McCormick Place Expansion Project Fund from sales tax receipts are extended to 2032 (was 2023) and increased for the added years. The limit on annual payments by DCEO to the MPEA to fund incentives for shows is raised from \$10 million to \$15 million (including up to \$5 million for shows with 5,001 to 9,999 registrants); \$5 million a year will go to Rosemont for conventions with over 5,000 registrants (S.B. 28, Cullerton-Radogno-Raoul et al. — Madigan-Dunkin, **Amendatory Veto overridden**).

**Military Leave (Family).** A child or grandparent (added to a spouse or parent) of a person called to military duty

for over 30 days may be granted family military leave. But an employer of over 50 persons can reduce any family military leave granted because an employee's

spouse or child is called to duty by the number of days the employee takes for that purpose under the federal Family and Medical Leave Act of 1993 (S.B. 3818, Hutchinson-McCarter-E.Jones — Dugan-Chapa LaVia-Verschoore-Farnham-Holbrook et al.).

**Renewal Sales.** A seller of merchandise (defined to include services) may periodically ship, and collect for, additional merchandise only if the customer asked for or consented to the practice. Any minimum purchase requirement, and a way to cancel

periodic shipments, must be clearly disclosed (H.B. 4698, Lyons-Pihos-Tracy-Bellock-Farnham et al. — Maloney-Delgado-J.Collins).

**Small Business Tax Credit.** A business with up to 50 full-time workers may apply to DCEO for a credit against employee income tax withholding for each new full-time employee hired in FY 2011 and paid at least \$13.75 per hour, bringing a net increase in employees that continues for at least 1 year. Credits are limited to \$2,500 per new employee and \$50 million statewide (S.B. 1578, Noland-Demuzio-Holmes-Bond-Hutchinson et al. — Madigan-Flider-Smith-Farnham-Sente et al.).

**Telecom Deregulation.** A telecommunications carrier may elect to have most rates and terms of its retail service, either statewide or in a specific area, treated as “competitive” and thus mostly deregulated. But the carrier must offer some specified packages designed to provide affordable service. Such carriers must notify customers of their options in readily understandable formats; meet service quality standards set by this law; and give credits to customers for service breaks. All carriers must reduce their intrastate switched access rates to no more than their interstate rates in stages by July 1, 2012 (2013 in some cases). The Illinois Commerce Commission (ICC) may certify providers of wireless services to provide telecommunications services. Interconnected Voice over Internet Protocol (VoIP) providers offering stationary service must register with the ICC. The Public Utilities Act’s sunset is delayed 3 years to July 2013 (S.B. 107, Bond-Hultgren-Jacobs-Kotowski-Hutchinson et al. — McCarthy-Bost-Black-Colvin-Acevedo et al.).

**Temporary Labor.** Employers of day or temporary workers must pay wages and payroll taxes to the day or temporary labor agency on behalf of the workers. The 3-year limitations period on suits under the act will not start until the contract between an employer and agency ends (H.B. 5247, Mendoza-Tryon-Berrios-Bellock et al. — Muñoz et al.).

**Utility Tax Abatements.** State and/or municipal public utility charges could be abated on a business in an Enterprise Zone, or a High Impact Business in a Foreign Trade Zone or Sub-Zone, that made investments to keep at least 500 full-time manufacturing jobs in Illinois in 2009 and 2010, 675 in 2011, 850 in 2012, and 1,000 in 2013, and applied by March 21, 2010 (S.B. 328, Koehler-Haine et al. — Smith-Holbrook-Phelps-Leitch-DeLuca et al.).

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# Civil Law

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**The General Assembly voted to help tenants and mortgage borrowers avoid eviction in some kinds of situations; let tenants who enter the military or are deployed abroad cancel residential leases; and authorize private suits for home repair fraud. Other bills that passed both houses will prevent most private employers from seeing applicants' and employees' credit reports, and tighten standards for establishing paternity by genetic testing.**

**Adoption.** Detailed forms are prescribed for surrender of a child for adoption (either to named adopting parents or to an agency) in cases not involving the Department of Children and Family Services or minors alleged to be abused, neglected, or dependent. The forms require the surrendering parents to acknowledge in detail both (1) the legal effects of surrender and (2) their receipt of an information form newly specified for such cases, listing legal rights and responsibilities of surrendering parents (H.B. 6080, Feigenholtz—Harmon-Martinez).

**Building Evacuation—Good Samaritans.** Givers of emergency care during building evacuations are shielded from civil liability except for willful and wanton misconduct (H.B. 5918, Golar—Raoul).

**Child Sex Abuse—Limitations.** A civil suit for child sex abuse can be brought for 20 years after the later of when the victim (1) becomes a legally competent adult or (2) discovers or should discover that the abuse occurred and caused injury. This limitations extension applies to any cause of action on which the current limitations periods (10 years after legal age or 5 years after discovery) have not already expired when this law takes effect (H.B. 6124, Harris-W.Davis-Riley et al.—J.Collins-Althoff-Crotty).

**Credit Reports and Employment.** Employers (except financial or debt-collection companies, insurers, law enforcement agencies, and government employers) are forbidden to obtain or use information from credit histories

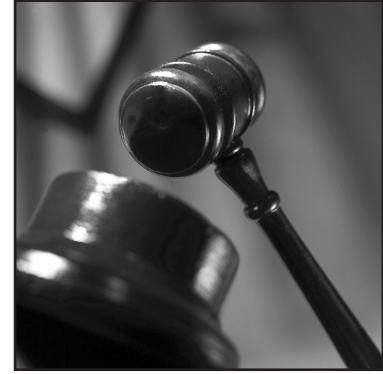
or reports on applicants in hiring, promotion, and discharge decisions. Hiring for sensitive and managerial positions is exempted (H.B. 4658, Franks-Farnham-Crespo-Rose et al.—Harmon-E.Jones-Crotty-Althoff-J.Collins et al.).

**Estates—Spouse's and Child's Award.** Minimum awards out of the estate of a testate or intestate decedent are doubled to \$20,000 to a surviving spouse and \$10,000 to a surviving minor (or adult dependent) child (H.B. 5161, Pritchard-Bellock—Haine).

**Home Repair Suits.** A private right of action is created under the Home Repair and Remodeling Act (formerly enforceable only by the Attorney General and state's attorneys) (S.B. 2540, Wilhelmi-Holmes—Thapedi-Yarbrough-Beaubien-Ramey-Farnham et al.).

**Mental Health Hearings.** The Illinois Supreme Court or any judicial circuit can allow videoconferencing for mental health hearings, except jury trials on involuntary admission (H.B. 5351, Bellock-Pihos-Currie-Coulson-Jakobsson et al.—Dillard-Wilhelmi).

**Minors—Guardians.** Two grounds for a court to appoint a guardian are added: the parent(s) “voluntarily relinquished physical custody of the minor” or they consented in writing or in court to appointment of a guardian. A rebuttable presumption is stated that a parent whose rights have not been terminated can regain custody of a minor due to any material change in circumstances since appointment of a



guardian. The Probate Act section assigning presumptive custody rights to parents is repealed (S.B. 3386, Wilhelmi et al.—C.Gordon).

**Mortgage Foreclosures.** *Federal assistance program.* The court supervising a judicial sale, unless it has already confirmed the sale, may set it aside if the borrower applied for help under the U.S. Treasury Department's Making Home Affordable Program and the property was sold in material violation of the Program's judicial sale requirements. This provision expires at the end of 2012 (H.B. 5735, Riley-Burns-Hernandez-Colvin-Yarbrough et al.—J.Collins-Crotty-Raoul-Holmes et al.).

*Stay for military deployment.* If a mortgage borrower facing foreclosure was sent overseas for military combat or support in the last 12 months, the court must stay the proceedings 90 days at that person's request (H.B. 3762, Walker-Smith-Chapa LaVia-Hernandez-Soto et al.—Kotowski-Holmes-J.Collins et al.).

**Name Changes.** Common-law name changes will not be recognized in Illinois after June 2010; names may be changed only by marriage or legal proceedings (H.B. 4858, Phelps-Froehlich—Hutchinson).

**Paternity Testing.** Minimum standards for paternity testing under the Illinois Parentage Act of 1984 are stated. The testing lab will initially choose the racial and ethnic groups'

*(continued on p. 13)*

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# Criminal Law

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**The General Assembly voted to authorize forfeiture of property acquired through public corruption, such as bribery; decriminalize juvenile prostitution but increase penalties on adults involved in such activities; and increase protections for minors against other crimes. Other bills that passed both houses will make it possible to charge a defendant for multiple financial crimes occurring during 90 days; require more rapid processing of evidence in sexual assault cases; and allow special court programs for veterans and persons in the military who are charged with crime and need drug or mental treatment.**



**Assault. Police victims.** Aggravated assault, normally a Class A misdemeanor, becomes a Class 4 felony if it is committed using a dangerous weapon such as a knife with a blade 3 or more inches long, switchblade, dagger, or metal knuckles and the victim is a police officer, police or sheriff's department employee, firefighter, private security guard, or municipal employee who provides traffic control (S.B. 2488, Bomke-Holmes-Althoff et al. — Brauer et al.).

**Probation officers** and supervisors of sexually dangerous or violent persons, when engaged in official duties, are added to the persons against whom assault becomes aggravated assault. Knowingly operating a vehicle in a way that puts a person in reasonable apprehension of being struck is added to a list of acts constituting aggravated assault; if the endangered person is a public safety officer or employee, the crime will rise from a Class 4 to a Class 3 felony (S.B. 3030, Haine et al. — Beiser-Reboletti-Sente-Dugan-Holbrook).

**Animals. Dog fighting.** Knowingly providing a place for a dogfight, or fight between a dog and a human, within 1,000 feet of a park, playground, or place for education or care for minors is raised from a Class 4 felony to a Class 3 felony for a first and Class 2 for a repeat offense; taking a person under 13 to such a fight is also raised one class (to Class 3 if a first violation

and Class 2 if a repeat violation). Tying a live animal to a device so it can be pursued by dogs for purposes of a dogfight becomes a Class 4 felony for a first offense or Class 3 for a repeat offense (H.B. 5790, Yarbrough-Soto-Rita-Burke-Tryon et al. — Lightford-E.Jones-J.Collins et al.).

**Primate pets.** Keeping a nonhuman primate outside a zoo, federally licensed exhibit, circus, college, research facility, or animal refuge is prohibited. Exceptions apply to persons lawfully possessing such animals before 2011 (who must register them with local animal control before April 2011), and a severely disabled person keeping a single capuchin monkey as a service animal (H.B. 4801, Burke-Verschoore-Mendoza et al. — Harmon-Maloney-Crotty-Silverstein et al.).

**Baby Shaking.** Causing death by baby shaking is added to the list of crimes requiring registration as a violent offender against youth (H.B. 5762, Carberry-Bradley-Walker-McAsey-Black et al. — Forby-E.Jones-J.Collins et al.).

**Burglary and Home Invasion. Deception.** Entering a residence by falsely claiming to be from government or from a provider of services such as construction, telecommunications, or utilities becomes either home invasion or residential burglary if other elements of those crimes are present (S.B. 3684, Wilhelmi-Crotty-Holmes-Demuzio-Maloney et al. — Mendoza-Sacia et al.).

**Tools ban.** Sale of burglary tools, except to police, locksmiths, towing operators, and authorized repossessioners, becomes a Class 4 felony (H.B. 4715, Pritchard—Dillard).

**Corruption—Forfeiture.** A new act says any public official convicted of intimidation, bribery, or accepting kickbacks can be required to forfeit all proceeds or property acquired thereby. At any time after an indictment for the crime, the Attorney General or state's attorney can ask the judge in the criminal trial to hold a hearing to determine what property is subject to forfeiture and to prohibit its removal from the state or other disposal before trial. Proceeds of forfeited property will go to the agency that investigated and made the arrest (50%); the Department of State Police for investigating public corruption (25%); the prosecuting agency (12.5%); and the State's Attorneys Appellate Prosecutor to prosecute appeals under this new act (12.5%). Political contributions held by the political committee of a person convicted of the three crimes listed above, or several federal crimes involving public corruption, are forfeitable; and a fine can be imposed proportional to the defendant's income, assets, and gains from the crime. Half of fine proceeds will go to the county and half to the state and/or local agencies that made the "seizure." The Attorney General or state's attorney can ask a court to restrain or prevent violations of this act; private suits for triple damages and attorneys' fees are also authorized (S.B. 2551,



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Kotowski-Holmes-Dillard-Hutchinson-Hunter et al. — Walker-Cavaletto-Franks-Chapa LaVia-Boland et al.).

**Death Concealment.** Concealment of death, a new Class 4 felony, consists of acting to prevent discovery of a non-homicidal death. It can be committed by moving a human body to conceal information about the place or manner of death (S.B. 2590, Millner-Murphy-Haine et al. — Schmitz-Reboletti et al.).

**Defendants Unfit for Trial.** A defendant placed with the Department of Human Services due to unfitness to stand trial may be allowed to leave secure settings by court order (S.B. 2504, Haine et al. — Ramey).

**Driving Offenses (except DUI).** *Emergency response costs.* A person driving recklessly, or at least 40 miles per hour over the limit, resulting in a need for emergency response, can be ordered to pay up to \$100 to each public agency that responded if it was a first offense, or up to \$500 per agency if a repeat offense (H.B. 4779, Moffitt-D’Amico-Mathias-Joyce-Fritchey et al. — Bivins).

*Fine.* Every person found, or pleading, guilty in court to a traffic offense must pay a fine even if given supervision (H.B. 6151, Zalewski — Lightford).

*License revocation.* Revocation of the license of a driver convicted of a moving violation that caused death, formerly discretionary with the Secretary of State, becomes mandatory; the driver can seek termination of the revocation in an administrative hearing (H.B. 4580, Black-Cross-Froehlich-Zalewski et al. — Holmes et al.).

*Speeding.* Driving at least 30 but less than 40 m.p.h. over the speed limit becomes a Class B misdemeanor. Driving 40+ m.p.h. over the limit remains a Class A misdemeanor, and a violator may not get supervision (S.B. 3796, Cullerton-Haine et al. — D’Amico-McAsey-Mathias-Lyons-Froehlich).

**DUI.** *Driving instructor.* Supervising a student driver while under the influence of alcohol or drugs is prohibited as a moving violation (H.B. 5341, Chapa LaVia — Holmes).

*Fine.* The administrative penalty on a DUI offender is raised from \$500 to \$750, including \$350 (formerly \$100) for the arresting agency along with \$400 to the General Revenue Fund as under current law (S.B. 3616, Cronin-Millner et al. — Mathias-Zalewski-Biggins).

*License revocation.* The Secretary of State must immediately revoke the license of anyone suspected of DUI causing serious injury or death, who refuses blood or breath testing for DUI. Unless the revocation is administratively rescinded, the former driver may not apply for a new license for 1 year and must pay \$500 for it. These changes take effect July 1, 2011 (S.B. 3732, Crotty — Mell et al.).

**Emergency Number Misuse.** Making a false 911 call is raised from a Class A misdemeanor to a Class 4 felony (H.B. 6101, Dugan-C.Gordon-Joyce et al. — Hutchinson).

**Expungement.** The list of situations in which courts may seal records of felony charges is expanded by adding cases in which a misdemeanor eligible to be sealed and a felony are charged together and the felony charge does not result in a final, unreversed conviction (S.B. 3295, Millner — Turner-Froehlich-Howard).

**Financial Crimes.** *Deceptive practices.* Using deception or threat to cause a person to execute documents disposing of property or incurring a debt is raised from a Class A misdemeanor to a Class 4 felony if the total value involved over 90 days exceeds \$150 (H.B. 5749, Schmitz-Reboletti-Cross — Dillard).

*Joinder of counts.* Financial exploitation of the elderly, identity theft, loan fraud, and several crimes relating to

financial institutions are added to those which can be charged in a single count of an indictment (S.B. 3389, Millner-Haine — J.Gordon-Acevedo).

**Firearms Ban Exemptions.** Anyone barred from having firearms under federal law as a “mental defective” or person committed to a mental institution may apply to the Director of State Police, who may grant an exemption if satisfied that the person is unlikely to endanger the public (S.B. 3421, Kotowski et al. — Osterman).

**Home Repair Fraud** on a project to aid a disabled person becomes aggravated home repair fraud. The crime is raised from a Class 4 to Class 3 felony if the contract price is up to \$500, and a Class 2 felony for a repeat offense on such a contract (S.B. 3645, Holmes-E.Jones — Mathias-Sente-Crespo-Farnham-Beaubien et al.).

**Juvenile Court Confidentiality.** A minor’s statements about an offense during behavioral health screening, assessment, evaluation, or treatment cannot be used in juvenile court as evidence of guilt of the offense (H.B. 6129, Burns — Delgado).

**Marital Privilege.** Spouses can testify to conversations between them if one of them is under investigation for (formerly only if one of them is charged with) sexual assault or abuse of a minor in a spouse’s care (H.B. 5666, C.Gordon — Wilhelmi et al.).

**Order of Protection Notification.** A judge issuing an emergency order of protection outside a court session must notify the sheriff so it can be entered in the Law Enforcement Agencies Data System (H.B. 5510, Farnham-Holbrook-Jakobsson-Flider et al. — Noland).

**Police Training.** Only officers who complete training in death and homicide investigation may be the lead investigators for such investigations (S.B. 3491,

(continued on p. 10)

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## Criminal Law

(continued from p. 9)

Millner-Raoul-Haine-Forby-Crotty—Sacia-Reboletti-Mendoza-Froehlich-Howard).

**Post-Conviction Bond; Non-probation Crimes.** Requirements that a convicted person be held without bond unless there is clear and convincing evidence that the person will not flee are changed to make such holding optional with the court. Any sentence for violating a bail bond must be consecutive to the sentence for the crime if there is a conviction. Post-conviction hearings need not be held before a judge who did not preside at the trial. Several crimes are added to those for which probation is not allowed, including Class 1 felonies committed while on probation or conditional discharge, and some property crimes involving over \$500,000. Persons convicted of computer crimes can be fined twice the value involved (S.B. 3090, Raoul—Burns).

**Prisons. Contraband.** The list of items it is illegal to take into a prison is expanded by adding a “popper” and any device “used to” unlock or prevent the locking of handcuffs, security restraints, cell doors, rooms, or gates (S.B. 3503, Jacobs-E.Jones—Flider). An employee taking into a prison a cutting tool or tool to defeat security devices commits a Class 1 felony; taking electronic contraband with intent to deliver it to a prisoner becomes a Class X felony with a minimum 10-year prison term (H.B. 5525, Yarbrough—Clayborne).

*Early release—posting picture.* The Department of Corrections must post on the Internet a recent picture and other information identifying any person released early within 3 days of (apparently meaning after) release, and keep it there until the person either serves 1 year of mandatory supervised release or is re-imprisoned (S.B. 3411, Dillard-B.Brady et al.—Flider et al.).

**School Bus Driver Qualifications.** The list of crimes disqualifying applicants for permits to operate a school bus, or bus chartered for transporting students, is expanded by adding many crimes, including soliciting murder for hire, luring of a minor, human trafficking, and unlawful solicitation (H.B. 4873, W.Davis-Riley et al.—Hutchinson-Hunter-J.Collins et al.).

**Sentencing.** A judge preparing to sentence a person convicted of a crime is to make a finding of whether a motor vehicle was used in the crime; if so, the court clerk is to report the conviction to the Secretary of State. A person issued a restricted driver’s permit due to hardship may drive an elderly or disabled person who does not drive (added to a child) living in the permit holder’s home to day care (H.B. 4859, Phelps—Martinez).

**Sex Crimes. Evidence analysis.** Law enforcement agencies receiving sexual assault evidence during the last 30 days before September 1, 2010 are directed to submit it to the Department of State Police forensic laboratory or a laboratory approved by the Department; starting then, such evidence is to be submitted within 10 days after receipt. All such evidence is to be analyzed within 6 months after receipt if staff and other resources are available. By October 15, police agencies must report to the Department the number of older cases for which such evidence has not yet been submitted. By February 15, 2011 the Department must send the Governor, Attorney General, and General Assembly a summary of its evidence holdings and a plan for finishing analysis of them (S.B. 3269, Hutchinson-Bond-Althoff-Lightford-Dillard et al.—McAsey-Franks-Mendoza-Holbrook-Dugan et al.).

*Impaired victim.* An extended term can be imposed for sexual assault or sexual abuse of a victim under 18 if the offender knew or should have known that the victim was under the influence

of alcohol, whether or not the offender supplied it (S.B. 1020, Bond-Dillard-Holmes-Martinez-Bivins et al.—Reboletti-Cole-Senger-Hatcher-Coladipietro et al.).

*Polygraph.* Police and prosecutors are banned from asking alleged victims of sex crimes to take polygraph or other lie detector examinations; formerly they were barred only from requiring exams before investigating or prosecuting (H.B. 5931, McAsey-Senger-Bellock et al.—Raoul-Althoff-E.Jones).

*Predator criteria.* The list of crimes justifying designation as a sexual predator is expanded by adding sexual misconduct involving a person with a disability, and any of the following crimes if sexually motivated: first-degree murder of a person under 18 by one who is at least 17; kidnapping or unlawful restraint of a person under 18; and child abduction by luring a child under 16 into an enclosure (H.B. 5043, Farnham-Sente-Walker-Jackson-Flider et al.—Noland-Holmes et al.).

*Prostitution and minors.* The age ceiling for the sections described below to apply to a young person is raised from 17 to 18. Soliciting for a minor engaged in prostitution (formerly a “juvenile prostitute”) within 1,000 feet of school property, or as a repeat offense, becomes a Class X felony. Keeping a place of prostitution is raised from a Class A misdemeanor to a Class 4 felony; if done within 1,000 feet of school property, it becomes a Class 3 felony. Pimping is raised from a Class A misdemeanor to a Class 4 felony (Class 3 if a repeat offense); a repeat offense of juvenile pimping becomes a Class X felony. Patronizing a minor engaged in prostitution is raised from a Class 4 to a Class 3 felony (Class 2 if a repeat offense). Soliciting a sex act from a minor, or severely or profoundly retarded person, is raised from a Class B misdemeanor to a Class 4 felony. A person arrested for various sex offenses may suffer vehicle

impoundment, but can get the vehicle back 2 hours later by paying \$1,000 (refundable upon dismissal of the charge or acquittal).

A person under 18 engaged in prostitution cannot be prosecuted, but is to be put in protective custody pending placement; any evidence of trafficking or involuntary servitude must be reported to the Department of Children and Family Services' State Central Register and an investigation begun within 24 hours. Proof that a parental figure allowed, encouraged, or required a minor to engage in sex acts for compensation, or committed or allowed an offense against the minor involving trafficking or forced sexual servitude, is declared prima facie evidence of abuse and neglect. Human trafficking; soliciting or patronizing a minor engaged in prostitution; pandering; keeping a place of juvenile prostitution; and juvenile pimping are added to the crimes for which courts can allow police to eavesdrop in investigations (H.B. 6462, Burns-Jefferson-Durkin-Bellock-Acevedo et al. — J. Collins-Althoff-Martinez-Lightford-Noland et al.).

*School vicinity.* Public indecency and sexual exploitation is each raised from a Class A misdemeanor to a Class 4 felony if committed by a person who is at least 18, within 500 feet of a school where children are present (S.B. 2589, Luechtefeld-Martinez et al. — Farnham).

*"Sexting" by youth.* A minor who sends indecent images of a minor by computer, cellphone, or other electronic device can be adjudged a minor in need of supervision, and required to get counseling or do community service (apparently as an exception to the criminal ban on child pornography) (H.B. 4583, Senger-Mathias-Pihos-Bellock-Moffitt et al. — Silverstein-Link-Dillard-E. Jones-J. Collins et al.).

*Sexual exploitation of a child* is expanded to include engaging in prohibited types of exposure to a child (or one

believed to be a child) whose "virtual presence" is created by Internet connection (H.B. 5321, Senger-Fortner — Hutchinson-Martinez-E. Jones-J. Collins et al.).

*Victim notification.* The Attorney General's witness notification system can be used to help sheriffs and the Chicago police notify victims and witnesses under the Sex Offender Community Notification Act (H.B. 5791, Yarbrough-Riley-Soto-Thapedi-DeLuca et al. — Holmes-J. Collins et al.).

**Sex Offenders.** *Leaving children with.* A new crime of knowingly leaving one's child with a child sex offender, or letting a child sex offender have unsupervised access to the child, is created as a Class A misdemeanor, with exceptions for a juvenile offender whose victim was at least 13 and not more than 5 years younger than the offender; a parent who is a child sex offender; and an offender who is married to and living in the same household with a parent of the child. Child sex offenders living with unrelated children must report that fact to their registering agency (H.B. 6464, Verschoore — Jacobs).

*Registration fees* are raised to pay for maintaining and updating the Department of State Police Sex Offender Registry, and for a new Attorney General Sex Offender Awareness, Training, and Education Fund. The Fund will be used to inform the public, victims, and witnesses of their rights under victim notification laws, and to train police, state's attorneys, and medical providers on their duties in sex offense investigations and prosecutions (S.B. 1702, Dillard-Haine et al. — Brauer-C. Gordon-Bellock).

*Release.* A person imprisoned for a crime that could result in commitment under the Sexually Violent Persons Commitment Act cannot earn credit for meritorious service in prison. Two sex offenders on supervised release may not live at the same address (S.B. 3467,

Bond-Hutchinson-Holmes-J. Collins et al. — Yarbrough-C. Gordon-McAsey).

*Telephone number disclosure.* A telephone (including cellphone) number is added to the information that sex offenders are to provide when registering (S.B. 3293, Bivins et al. — Sacia-May-Verschoore-Smith-Chapa LaVia et al.).

*Temporary residences.* Sex offenders and sexual predators who are absent from their registered addresses for at least 3 days must notify the agencies where they register of their itineraries. A sex offender or sexual predator must register at any place where domiciled for at least 3 days (formerly 5) (S.B. 3176, Millner-Martinez-Delgado-E. Jones et al. — Ramey).

*Years extended.* Offenders not previously required to register because they committed their sex offenses before specified dates must now register within 5 days after this act takes effect (or after discharge if in an institution). Those who have already finished their registration periods need not re-register (S.B. 3084, Martinez-Delgado-Millner-Hutchinson-J. Collins et al. — Mell-Poe-Reboletti et al., **Amendatorily Vetoed**).

**Tattooing and Piercing.** Impersonating a parent or guardian of a minor so as to authorize tattooing or body piercing of the minor becomes a Class C misdemeanor (H.B. 4895, Poe et al. — Bomke-Dillard et al.).

**Theft.** Thresholds that make some kinds of theft a felony are raised from \$300 to \$500. The threshold for most retail theft is raised from \$150 to \$300, but can be met by a series of thefts over 1 year at multiple stores (S.B. 3797, Cullerton-Haine — Lang-Mathias-Washington).

**Veterans.** *Special court.* A new act authorizes the chief judge of each circuit to create a Veterans and Servicemembers Court program. A criminal defendant who is a veteran or servicemember can be admitted to the program if the

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# Education

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***Bills that passed both houses call for curtailing future mandates on local schools; strengthening evaluation standards for teachers and principals; and requiring criminal background checks of student teachers and substitute teachers. Other bills will allow more alternative programs for certifying math and science teachers, and help children enroll in school after transferring due to military parents. The General Assembly also voted to authorize public colleges and universities to borrow more money during the economic downturn.***

## Elementary & Secondary Education Bills

**Alternative Certification** programs for math and science teachers in high schools may be offered by colleges and other organizations with State Board of Education approval. The State Board may establish more than one alternative program for general teacher certification, in cooperation with a university and/or nonprofit organization, and more than one alternative program for administrator certification (S.B. 616, Meeks-Lightford-J.Collins-Garrett-Martinez et al. — Chapa LaVia-J.Gordon-Soto-Froehlich et al.).

**Bilingual Funds Use.** School districts must use at least 60% of their state transitional bilingual education funding for the instructional costs of such education (S.B. 3635, Noland—Chapa LaVia-Golar-Pritchard).

**Bullying; Gang Resistance.** A 15-member School Bullying Prevention Task Force will study causes and effects of bullying, reporting to the General Assembly by March 1, 2011. Each private, non-religious (added to public) school must have a bullying policy and annually communicate it to students and parents; and working with the state and local law enforcement, teach gang resistance in all grades (S.B. 3266, Lightford-Koehler-Hunter-J.Collins et al. — Yarbrough-W.Davis-Currie-Lang-Jackson et al.).

**Electronic Textbooks.** Schools and the State Board of Education can use

textbook funds to buy and lend electronic textbooks and content for them (S.B. 3547, Clayborne-Crotty-Noland et al. — Ford-Flowers-M.Davis-Dunkin-Washington et al.).

**Energy Harnessing.** Two or more school districts may form an agency to develop renewable energy and build wind and/or solar power collection facilities. The agency can issue revenue bonds with terms up to 40 years (H.B. 6419, Crespo-Smith-Eddy-May-Mathias et al. — Kotowski-Noland-Millner).

**Homeless Student Aid.** The State Board of Education may make grants to school districts for educating homeless students, using a competitive application process. Grants may last up to 3 years, subject to appropriation (H.B. 4755, Soto-Eddy-Hernandez-Yarborough et al. — Martinez-E.Jones-Hunter-J.Collins et al.).

**Mandates.** *Invalid unless funded.* With some exceptions, no public or private school need comply with future educational mandates if funding is not appropriated. If a school district considers amounts appropriated for a mandate insufficient, it must petition the regional superintendent of schools by February 15 to end or modify the mandated activity for the next school year. The regional superintendent must hold a public hearing and by March 15 make a decision, which can be appealed to the State School Superintendent. Exceptions are in two categories: (1) In event of conflict with these provisions, the State Man-



dates Act governs (so several kinds of mandates described in section 6 of that Act presumably are binding even if not fully funded). (2) Mandates related to federal Race to the Top grants are exempt (H.B. 4711, Eddy-J.Mitchell-Bassi-Pritchard-Osmond et al. — Maloney-Righter-Lauzen-Althoff et al.).

**Moratorium.** An Instructional Mandates Task Force will examine mandates that schools address particular subjects, and make recommendations to the Governor and General Assembly by July 2011. A moratorium is declared on new instructional mandates until 1 year after its report is issued (H.B. 4209, Nekritz-Wait-Ramey-Osmond-J.Mitchell et al. — Garrett-Harmon-Link-Holmes-J.Collins et al.).

**Medication of Students.** *Asthma.* Schools must allow a student to carry a quick-relief asthma inhaler (and use it, already allowed by law) if given signed parental permission and its prescription label; schools may not require a physician's statement for a quick-relief asthma inhaler (H.B. 5836, Golar-Franks-Chapa LaVia-Farnham-Jefferson et al. — J.Collins-E.Jones et al.).

*Diabetes.* Procedures are established under which parents can provide a written plan for managing their child's diabetes in any public or private school. A school nurse or other trained employee is to help the student as provided in

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## Criminal Law

(continued from p. 11)

defendant, prosecutor, and trial court agree. Measures including mental health and drug treatment may be ordered; on successful completion, the charges may be dismissed. A defendant is ineligible if the crime involved violence or the defendant has been free less than 10 years after imprisonment for such a crime; or apparently if the defendant exited such a program in the last 3 years (H.B. 5214, Tryon-Bellock-Chapa LaVia-Holbrook-Smith et al.—Althoff-Crotty).

*Victims.* Courts can impose more severe penalties for murder, assault, battery, or robbery if committed against a veteran performing duties as a representative of a veterans' organization (H.B. 4738, Sente-Holbrook-Farnham-Moffitt-Chapa LaVia et al.—Link et al.).

**Violence Against Youth.** The list of crimes requiring registration as a violent offender against youth is expanded by adding several kinds of battery, and ritualized abuse of a child. A parent of a victim is no longer exempt from registration (S.B. 3305, Millner—Smith-Holbrook-Beiser-Jackson-Verschoore et al.). □

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The Legislative Research Unit's "Penalties for Crimes in Illinois" has recently been updated. This table, on a single 8½ x 11 inch sheet of card stock, summarizes the ranges of penalties authorized in Illinois by class of crime. Notes on the back give details on many special provisions. Copies are available to legislators and legislative staffs; it can also be downloaded as a PDF file from:

[www.ilga.gov/commission/lru/2010PFC.pdf](http://www.ilga.gov/commission/lru/2010PFC.pdf)

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## Civil Law

(continued from p. 7)

genetic samples to use in estimating a tested man's probability of being the father; but an objecting party can require use of a different ethnic or racial group (presumably one claimed to reflect more closely the tested man's ethnicity). If no one is tentatively identified as the father, other testing can be ordered. The probability of paternity required for a presumption that the tested man is the father is doubled to 1,000 to 1. The presumption that a man married to the mother is the father will no longer be automatically rebutted by genetic testing excluding him as the father; but the Act continues to say that such a presumption of paternity can be rebutted by clear and convincing evidence (S.B. 2606, Raoul—Ford).

**Residential Communities; Military Members' Leases.** A new act will govern common-interest communities (not including condominium or cooperative communities, or a community with up to 10 units or total annual assessments up to \$100,000) in

ways paralleling the basic structure of governance under the Condominium Property Act. Separately, a person enlisting in the military, or called to duty, during the term of a residential lease will have the option to cancel it, which would take effect in approximately 30 days (S.B. 3180, Wilhelmi-Raoul-Martinez—Cross-Pihos-McAsey-Schmitz).

**Tenant Evictions.** *Sealing of files.* The court file in a forcible entry and detainer suit may be sealed if the court determines that the suit is clearly without basis; the file *must* be sealed if the suit is against a tenant in good standing who is evicted due to a lender's foreclosure on the rental property (S.B. 3782, Frerichs—Black-Riley et al.).

*Violence victims.* It becomes a defense to an owner's suit for possession of rented premises that the suit results solely from a tenant's having been a victim of stalking or domestic, dating, or sexual violence, or from related causes. But an owner can give notice to any tenant not to invite a named

person, and/or give notice to that person not to enter. An invitation to that person can be treated as a breach of the lease, and that person's entry will be criminal trespass (H.B. 5523, Yarbrough-Jakobsson-W.Davis-Zalewski et al.—Raoul et al.).

**Wage Claims.** A private right of action under the Illinois Wage Payment and Collection Act is created as an alternative to a claim through the Department of Labor. Under either kind of claim, employers failing to pay final compensation or wage supplements (formerly only wages) can be required to pay 2% monthly damages plus attorneys' fees and costs. Employees can obtain civil relief from retaliation under the Act. Existing criminal penalties for nonpayment of wages are also increased (S.B. 3568, Delgado-Lightford-Harmon-Holmes-J.Collins et al.—Hernandez-Colvin-Berrios-McGuire-Currie et al.). □

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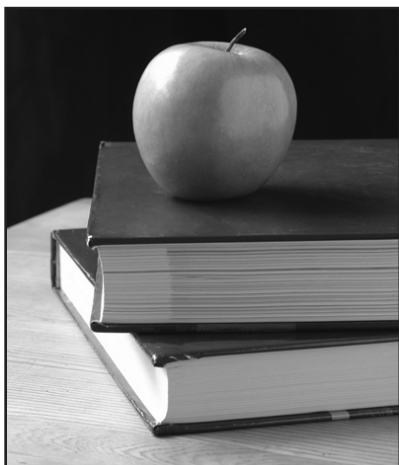
## Education *(continued from p. 12)*

the plan; but if allowed by the plan, the student can do necessary glucose checks, insulin injections, and other diabetes-management actions (H.B. 6065, Cross-Mendoza-Coulson-Miller-Feigenholtz et al. — Steans-Harmon-Garrett-Silverstein-Schoenberg et al., **Amendatorily Vetoed**).

**Military Children.** Illinois will join an interstate compact (currently with 29 member states) allowing students who are put into a different state, or a different school district, by a military assignment of their custodial parent to enroll as if they resided where they are living temporarily with someone else. Through June of 2012, vaccination and official transcript requirements will be delayed for transfer students from other states (including military children) (H.B. 4674, Holbrook-Eddy-Smith-Jackson-J.Mitchell et al. — Demuzio-Martinez et al.).

**Nutrition and Exercise Programs.** Subject to funding, the State Board will set up a database on schools' nutrition and physical activity programs; districts will be encouraged to contribute information (S.B. 3706, Holmes et al. — Ford-Sente-Flowers et al.).

**Principal Training.** A new "principal" endorsement for administrative certificates is created. No general administrative preparation program may enroll new students after August 2012;



starting in July 2014, standards in this act and State Board regulations will apply to principal preparation programs at colleges and nonprofit entities approved by the State Board (S.B. 226, Demuzio-Martinez-J.Collins-Stears et al. — Smith-Eddy-Osterman-Chapa LaVia-Golar et al.).

**Regional Superintendent Abolition.** Upon the departure from office of the regional superintendent of schools in suburban Cook County, the county's educational service centers serving schools outside Chicago are to assume his duties. The Assistant County Regional Superintendent's position is eliminated. Cook County may provide support to its educational service centers (H.B. 16, Nekritz-Durkin-Boland-May-Connelly et al. — Crotty-Harmon-Schoenberg).

**School Finances; State Reports.** A school district may be required to release information on its financial condition, and/or be certified as in financial difficulty, if it is likely to fail to make payroll or debt service (or fits any of three criteria in current law). Requirements that the State Board report annually to the General Assembly on mandate waivers, school breakfast and lunch programs, and physical education exemptions are repealed (S.B. 3681, Lightford—Eddy et al.).

**Sexual Harassment.** The Human Rights Act's protections of college students from sexual harassment by faculty are extended to those in elementary and high schools (H.B. 5234, Bellock-Pihos-Tryon-Mulligan—Dillard).

**Staff Evaluations.** Persons evaluating teachers must get "rigorous" training and, if the evaluators are teachers, may not be in the same bargaining unit as those they evaluate. "Student growth" must be a significant factor in evaluating teachers; the Chicago schools may use annual state assessments as the sole measure of such growth. (The changes just described will apply to at least 300 Chicago schools by the fall of 2012,

and to schools statewide in phases by the fall of 2016.) Starting in the fall of 2012, each district must evaluate each teacher annually before granting tenure and biennially thereafter (or annually if the teacher was rated in the bottom two of four categories). More detailed remediation and evaluation procedures are required for tenured teachers rated in the bottom category. Nontenured teachers will be easier to dismiss than before. Except in Chicago, each principal must be evaluated at least annually. Chicago teachers can keep "alternative" procedures for teacher evaluation, remediation, and removal; but by fall 2012 they must make student performance a significant factor in evaluations and use the same four categories for rating teachers as are prescribed for other schools (S.B. 315, Lightford-Meeks-Martinez-J.Collins-Delgado et al. — Chapa LaVia-Ford-Washington-Froehlich-Hernandez).

**Student Teacher Background Check.** Before "field experiences" in public schools, student teachers must have fingerprint-based background checks (H.B. 5340, Chapa LaVia-M.Davis-Eddy—Holmes-J.Collins et al.).

**Substitute Teachers** must register with their regional school superintendent(s), and authorize and pay for criminal history checks and medical exams, before teaching (H.B. 5863, Eddy-J.Mitchell-Pritchard-Bellock—Cronin, **Amendatorily Vetoed**).

**Working Cash Funds.** A non-Chicago district's working cash fund may be tapped to support any fund of the district most needing money, and can be abated by transfer to another such fund—provided that a sum equal to 0.05% of district equalized assessed value remains to the credit of the working cash fund (H.B. 6041, Eddy—Crotty).

## Higher Education Bills

**Borrowing.** *Community colleges.* A community college district can take out a line of credit equal to 85% of its

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expected state revenues for the current fiscal year, and 50% of those for the following year. For 3 years after this act takes effect, the limit on working cash fund bonds that a district can have outstanding at a time is doubled to 150% of its annual levies for education and operations and maintenance, plus 150% of its latest year's personal property replacement tax entitlement (S.B. 2615, Forby—Bradley-Eddy-Reis-Jakobsson et al.).

*Universities.* Each Illinois public university may borrow amounts equaling up to 75% of payroll and expense vouchers for fiscal year 2010 that are submitted to the State Comptroller but not paid. Such loans must be repaid within 1 year (or for bank lines of credit, within 10 days after getting the money from the state) (S.B. 642, Haine-Luechtefeld-Maloney et al.—Bradley-Mautino-W.Davis-Reitz-Phelps et al.).

**Community College Graduates' Scholarships.** Subject to appropriation, grants will be made to community college graduates with at least "B" averages and financial need for 2 more years of study toward bachelors' degrees. Grants will be \$1,000 per year (\$2,000 for students studying some

subjects) (S.B. 3699, Bond-J.Collins-Crotty-Maloney-Raoul—Smith-McCarthy et al.).

**Data Collection.** The colleges and universities from which the Board of Higher Education, starting in 2012, can collect data under the longitudinal data system created by a 2009 act are expanded to include all private institutions issuing postgraduate degrees (private institutions were to be covered only if their students are eligible for MAP grants). But any private college can bar release of its data outside Illinois (H.B. 6092, McCarthy-Soto-Hernandez-Yarbrough-Acevedo et al.—Maloney).

**General Assembly Scholarships** would not go to persons, or immediate family members of persons, who made political contributions to the nominating legislator's political committee in the current or last 5 years; nor could a General Assembly scholarship recipient, or a recipient's immediate family member, make such a contribution in a year for which the scholarship was awarded or the next 5 years. (Contributions made before these provisions took effect would be exempt from both bans.) No one could be

nominated for a General Assembly scholarship before being accepted by a state university. A legislator could relinquish in writing the ability to make nominations for General Assembly scholarships in any year (S.B. 365, Cullerton-Trotter et al.—Flider-Washington-Farnham-Crespo-McAsey et al., **Veto stands**).

**Tuition.** *Extended undergraduate study.* A student whose tuition has been frozen, for 4 years of undergraduate study, at the level of the student's first year can study up to 2 more years as an undergraduate at the tuition rate that was charged to students who first enrolled in that student's second year (S.B. 3222, Sandoval-Maloney-Raoul-Crotty-Millner et al.—Burke-Berrios-Arroyo-Hernandez-Soto et al.).

*Prepaid.* Students can use College Illinois to help them prepay tuition at private graduate and professional schools (private institutions without undergraduate programs had been excluded) (H.B. 6206, McCarthy-Black-Soto—Crotty-Maloney-J.Collins et al.). □

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

### Budget

**P.A. 96-956**, enacted by H.B. 859 (Currie-Washington-Miller et al.—Trotter et al.).\*

**P.A. 96-957**, enacted by S.B. 1215 (Trotter-Sullivan-Schoenberg et al.—Madigan-Currie).

\* H.B. 859 included item and reduction vetoes.

### Budget Implementation

**P.A. 96-959**, enacted by S.B. 3662 (Trotter-Lightford et al.—Currie).

### Emergency Budget Act

**P.A. 96-958**, enacted by S.B. 3660 (Cullerton-Lightford et al.—Currie-Dunkin).

### Medicaid Bond Issuance Authority

**P.A. 96-885**, enacted by S.B. 1425 (Trotter-Martinez—Chapa LaVia-McAuliffe-Crespo et al.).

*Tom Bazan*  
*Research Associate*

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# Environment & Conservation

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**Bills that passed both houses will allow pilot projects to convert waste into fuels; prohibit condominium and similar associations from barring residents' solar energy collection systems; and speed up existing requirements for electricity suppliers to buy some electricity generated from solar energy.**

**Biomass Conversion.** The part of a site in Naperville used for thermochemical conversion testing on woody biomass is excluded from the definition of a "pollution control facility." The Illinois EPA can issue permits for testing of thermochemical conversion plants to make hydrogen, synthetic gas, and/or ethanol from wood and other plant waste (H.B. 5147, Connelly-Fortner-Senger—Cronin-Dillard-Noland). Another bill will allow a pilot plant to make gas for electricity generation using materials such as municipal and agricultural waste and distillers' grain (H.B. 2688, Leitch-Holbrook-Joyce-May—Clayborne-Risinger).

**Electricity From Solar Sources.** Of the renewable energy resources procured for electric utilities using the Illinois Power Agency Renewable Energy Resources Fund, the following portions must come from solar energy: 0.5% by June 2012, 1.5% by June 2013, 3% by June 2014, and 6% by June 2015 (replacing a requirement that was to start at 6% in June 2015). But alternative electric suppliers—which generate electricity but do not deliver it to final users—need not begin paying for this solar energy procurement until June 2014 (H.B. 6202, Burns-Jakobsson-Nekritz-Joyce et al.—Harmon-Noland et al.).

**Hunting and Fishing by Military.** Active-duty military personnel who are Illinois residents on emergency leave (added to ordinary leave) may

fish or hunt without licenses (H.B. 4721, Franks-Phelps-Verschoore-Moffitt-Flider et al.—Demuzio et al.).

**Hybrid Vehicle Conversions.** Conversion cost rebates may be issued to owners of hybrid (formerly only conventional) vehicles for part of the cost of converting to alternative fuels (H.B. 6047, Mathias—Noland-E.Jones-J.Collins).

**Solar Energy for Condos.** An association representing condominium unit or other homeowners, or members of a common-interest community, may not forbid an owner from installing a solar energy collection system meeting state and local standards on a building that is up to 30 feet high, but may specify where on the southern part of the roof it may be placed (H.B. 5429, Feigenholtz-Jakobsson-Nekritz-Fortner et al.—Noland-Holmes et al.).

**Water Contamination.** If water from a public water supply used by at least 25 year-round residents contains a carcinogenic volatile organic compound at 50% or more of its maximum allowed level, the operator must send the Illinois EPA a plan to reduce the level. The approved plan must be implemented and followed by periodic sampling (S.B. 3070, Althoff-J.Collins-E.Jones—Tryon-Franks-Sente-Fortner-May).

**Wildlife Research Permits.** The Department of Natural Resources may grant scientific permits to accredited



Photo by Kevin Jones, Legislative Research Unit

persons or private educational organizations for acts such as collecting parts of animals for research or providing medical treatments to animals before release to the wild (S.B. 918, Hutchinson—Dugan). □

*Stephanie Moulton*  
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Save a tree.....

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# Health & Safety

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*The General Assembly voted to promote patient care and safety in nursing homes through measures including more oversight of residents who have criminal records, treatment of residents who are sexually assaulted, more minimum staff hours per resident, and protection of whistleblowers. Other bills that passed both houses will encourage adoption of electronic medical records; allow medical practitioners to practice across state lines during disasters or at free medical clinics; and protect against poisoning by mercury, cadmium, and engine antifreeze.*

**Antifreeze Poisoning.** Engine antifreeze with over 10% ethylene glycol, made after January 1, 2011 and sold after June 2011, must contain denatonium benzoate to give it a bitter taste and deter pets from drinking it. Exceptions apply to antifreeze sold already in a motor vehicle, or in a container of at least 55 gallons (H.B. 4722, Feigenholtz-Kosel-Winters-Sente et al. — Holmes-Millner).

**Cadmium in Jewelry.** Children’s jewelry made after July 1, 2011, whose paint or other surfaces contain over 75 parts per million of cadmium, will be banned in Illinois. Retailers will not be liable for unknowingly selling such jewelry. The Attorney General can investigate apparent violations (H.B. 5040, Jakobsson-Fortner et al. — Hunter-Link-Holmes-J.Collins et al.).

**Disaster—Interstate Medical Care.** A uniform act adopted in Illinois allows medical practitioners licensed in other states to register (either before or during a disaster) with a state-recognized system to confirm their license status, and provide medical services in this state, within the scopes of their licenses, during a declared disaster. The Illinois Emergency Management Agency will regulate these activities (S.B. 2541, Wilhelmi-Holmes—Mathias-Coulson).

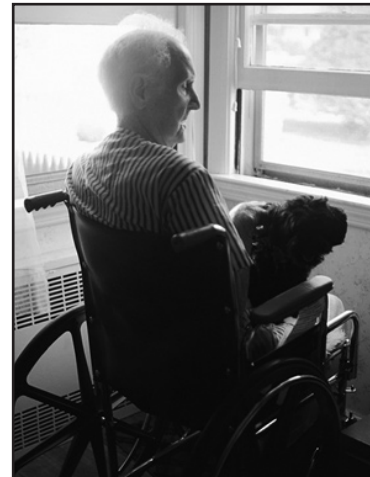
**Electronic Medical Records.** A Health Information Exchange Authority will be appointed by the Governor with Senate confirmation, and have four ex-officio

members who evidently will not vote. The Authority will set up an Illinois Health Information Exchange to aid sharing of health records by medical providers. By 2015, every state agency that implements or upgrades health information technology systems must use systems and products meeting standards adopted by the Authority for using the Exchange. Information in the Exchange is to be exempt from Freedom of Information Act disclosure, and otherwise “secure” (H.B. 6441, Hamos-Watson-Osmond-May-Sente et al. — Harmon-Koehler-Hunter-Delgado-Garrett).

**Emergency Contact Information.** Police can share information in the Secretary of State’s emergency contact database, including whether an injured person has disabilities or special needs, with other public safety workers in emergencies (H.B. 5669, Cross-Schmitz-Mathias-Coulson-Leitch—Steans-Maloney-J.Collins).

**Free Clinics & Out-of-State Practitioners.** A medical professional licensed by another state can provide care within the scope of that license in a free medical clinic in Illinois if the professional does not provide care outside the free clinic (H.B. 5744, Saviano-Bellock-Pihos—Hultgren).

**Honey** in the comb, or otherwise unadulterated, becomes a “raw agricultural commodity” that the Department of Public Health (IDPH) may not regulate. IDPH also may not inspect the



honey houses of a producer of fewer than 500 gallons of honey in Illinois per year (S.B. 2959, Luechtefeld-Rutherford-Althoff-Bivins-Frerichs et al. — Reitz-Fortner-Verschoore-Flowers-Phelps et al.).

**Hospitals.** *Lengthy acute care.* The Department of Healthcare and Family Services (DHFS) must set up a program to improve care in hospitals providing acute care for extended times to Medicare and Medicaid patients. Any hospital meeting DHFS requirements may participate. It must report quality and patient outcome data to DHFS; DHFS will pay a supplemental Medicaid patient rate to hospitals meeting program requirements. Starting in 2013, it must annually evaluate the program’s net monetary effects overall and by hospital, and effects on patient outcomes (S.B. 3743, Radogno-Kotowski-Althoff—Ford-Flowers-E.Sullivan et al.).

*MRSA screening.* A 2007 act requiring hospitals to have methicillin-resistant Staphylococcus aureus (MRSA) control programs, and IDPH to report data on MRSA infections, will not sunset January 1, 2011 but be extended indefinitely (S.B. 2981, Radogno-Garrett-Hunter-J.Collins et al. — Bellock-Hamos-Tyron-Pihos-Flowers et al.).

*(continued on p. 19)*

# Local Government

**The General Assembly voted to authorize Cook County and the “collar” counties to use administrative hearings in lieu of court proceedings to enforce a wide variety of county ordinances, and impose fines as high as \$50,000; make it easier for residents or owners in areas without fire protection to get it from adjoining governments; and authorize municipalities other than Chicago to audit utility companies’ payments under infrastructure or franchise fees.**

**Administrative Adjudications.** Current provisions on administrative adjudication of alleged violations of county ordinances related to buildings and property upkeep will no longer apply in Cook, DuPage, Kane, Lake, McHenry, and Will Counties. Those six counties get broader authority to use administrative adjudication of alleged violations of all county ordinances (except those that parallel some Illinois Vehicle Code provisions). Their hearing officers must have been licensed at least 3 years to practice law in Illinois, and have formal training on holding hearings. Procedures will resemble those now allowed in all counties, but with cross-examination and admission of some hearsay explicitly allowed. Hearing officers may impose fines up to \$50,000, or even more if authorized in their county under Illinois Supreme Court rules. For purposes of driver’s license suspension, all counties may send the Secretary of State notices of unpaid traffic or parking fines from administrative adjudications (H.B. 6239, Rita—Wilhelmi-Viverito).

**Disposition of Body.** As alternatives to burial, a coroner may order an unclaimed human body cremated or donated for medical purposes— unless preservation is necessary for law enforcement purposes (S.B. 3478, Syverson—Winters-D.Brady).

**Fire Protection.** An “unprotected area” is defined as any unincorporated area that is not within a fire protection jurisdiction (formerly only such an area in a county of under 500,000).

Property owners (added to voters) in such an area may ask the State Fire Marshal to contact nearby jurisdictions requesting fire protection for them. If no agreement is made on coverage terms, the State Fire Marshal can assign a fire protection district to protect the area and charge the rate of Fire Protection Tax that it levies within its territory. But a municipality may be assigned to provide coverage only with its consent, and may charge whatever rate it sets (S.B. 3722, Frerichs—Smith-Golar-M.Davis et al.).

**Utility Audits.** Any municipality, except Chicago, that imposes an Electricity Infrastructure Maintenance Fee on electricity deliverers, or a tax on public utilities, may audit those companies biennially under procedures set forth in a new act. Customers may recover incorrectly charged fees or taxes. A county, or a municipality other than Chicago, that imposes a franchise fee on a cable television operator may audit it similarly. Municipalities except Chicago may not impose penalties with municipal utility taxes or audits of them, except penalties for nonfiling, late filing, or late payment.

Audit procedures in the existing Local Government Taxpayers’ Bill of Rights Act are limited to audits of taxes imposed by local governments other than Chicago. An auditor must sign a confidentiality agreement on request by a taxpayer, and the local government must give the taxpayer an audit closure report (S.B. 2612, Althoff—Mendoza-DeLuca-Eddy-Bost-Chapa LaVia et al.).



**Yard Signs.** Municipalities, with or without home rule, may not ban political campaign signs on residential property, but may impose “reasonable” limits on size (H.B. 3785, Tryon-Cole-Cultra et al.—Althoff-Harmon-Schoenberg). □

*Mary E. Rodgers  
Research Assistant*

## 2010 VETO SESSION

### November

10 Perfunctory

19 Perfunctory (H)

23 Perfunctory (S)

16, 17, 18 Session

29 (H), 30 Session

### December

1, 2 (S) Session

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## Health & Safety

(continued from p. 17)

**Mercury in Thermostats.** All makers of thermostats now or formerly sold in Illinois must have programs to collect mercury thermostats taken out of service. Makers must report on their collection programs to the Illinois EPA. If they do not reach collection goals set by this act and the EPA for 2013 to 2017, makers must propose revisions to the EPA, which will approve or disapprove them. Old thermostats must be properly handled by participants in programs. After June 2011, no contractor or other person may remove or replace a mercury thermostat without ensuring its delivery to an established collection site, and no one may knowingly send a mercury thermostat to a regular landfill (S.B. 3346, Steans-Hunter-Risinger-J.Collins—May-Jakobsson-Winters-Schmitz-Feigenholtz et al.).

**Nursing Homes. Owner misconduct.** Facilities for long-term care that get Medicaid funds must prominently post information on reporting fraud, abuse, and neglect, and give it to new residents and to families or emergency contacts. Owners must disclose to state agencies any ownership interests they have in vendors to their facilities. The Criminal Code definition of criminal neglect of a resident of such a facility is expanded beyond actually causing harm, to include creating a substantial likelihood of it by action or inaction (S.B. 2863, J.Collins-Stears et al.—Osterman et al.).

**Regulation.** The state's Consumer Choice report on nursing homes must include regulatory compliance and customer satisfaction surveys, and information derived from federal quality measures. If a criminal background check indicates that a resident is an offender, the facility must notify the State Police and arrange a fingerprint-based inquiry. IDPH must keep records on residents shown as criminal

offenders and report their number annually to the General Assembly. A pilot program in Cook and Will Counties will use fingerprint-based background checks on all residents of homes that have some residents over age 65 plus at least 25 residents diagnosed with serious mental illness. IDPH must propose regulations for certifying (1) separate nursing units for managing aggressive residents and (2) psychiatric rehabilitation services in nursing homes. Nursing homes must increase the daily number of hours of staff time per patient over the next 3 years, and develop and implement a comprehensive care plan for each resident. IDPH must develop criteria for declaring nursing homes as “distressed” and publish a list of them. Such facilities must implement improvement plans. Additional fines for nursing home violations are authorized. A fined nursing home can send 65% of its stated fine to IDPH and forego a challenge. IDPH must develop a protocol for care and treatment of residents who have been sexually assaulted in nursing homes or elsewhere. Whistleblowers in nursing homes will get legal protection. Nursing home administrators will be subject to license sanctions for some violations, or failure to report sanctions in other jurisdictions. DHFS will identify and ban drugs or dosages in nursing homes that appear to be used as chemical restraints (S.B. 326, Steans-J.Collins-Delgado-Martinez-Silverstein et al.—Currie-Flowers-Feigenholtz-Lang-Coulson et al.).

**Vaccinations.** Applicants to nursing homes must be asked about risk factors for HIV and hepatitis B and C. Those entering for at least 7 days who have high risk, unless known to be infected, must be offered testing. Those susceptible to hepatitis B must be offered vaccination in the first 10 days. Department of Veterans' Affairs homes are exempt (S.B. 2601, Trotter-Stears-Delgado-Schoenberg-Noland et al.—Gabel-Hernandez).

**Nutrition and Chronic Diseases.** A 9-member Chronic Disease Nutrition and Outcomes Advisory Commission will advise the Department of Human Services on adding nutrition to state health policy for chronic disease management, and on measuring health-care outcomes. The Commission will meet at least quarterly and report annually to the General Assembly (H.B. 5752, Lang-Bellock—Hunter-Stears-J.Collins-E.Jones, **Amendatorily Vetoed**).

**Preemie Care.** IDPH must post on the Internet information on health complications of babies born before 37 weeks' gestation, and encourage practitioners, hospitals, health departments, and medical organizations to give it to parents of premature infants. DHFS will consult with organizations working on preemie care to improve hospital discharge and followup care (S.B. 3273, Althoff-Delgado-Hunter-J.Collins—Franks-Bellock-Coulson-Burns-Dugan et al.).

**Psychiatrist Training Loans.** IDPH may offer funding to medical schools, and repayment of educational loans, to encourage the training of more psychiatrists and their practicing in shortage areas and with patients lacking insurance (H.B. 5053, Bradley-Reitz-Phelps-Verschoore et al.—Forby-Luechtefeld et al.).

**Swimming Safety.** Spray pools are added to the places regulated under the Swimming Facility Act. Standards of regulation under the Act, and IDPH's powers to enforce it and its regulations, are strengthened (S.B. 3057, Harmon-Hunter-Delgado—Dugan).

**Sudden Infant Death Syndrome.** Hospitals must give information on sudden infant death syndrome (SIDS) and ways to reduce the risk to parents or guardians of newborns at no extra charge (H.B. 5930, McAsey-Howard-Yarbrough-Arroyo-Jefferson et al.—Wilhelmi-J.Collins et al.). □

Robert L. Bayless  
Senior Staff Scientist

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# Professions & Occupations

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***Bills that passed both houses will require licensing of insurance adjusters and sports agents. All medical professionals must disclose their types of licenses when interacting with patients. Regulation of funeral directors will be tightened.***

**Dental Volunteers; Dental school Accreditation.** The Department of Financial and Professional Regulation (DFPR) may issue permits for dentists and dental hygienists licensed in other states to practice without compensation in a specified area of Illinois for up to 10 days, subject to renewal. Applicants for dentists' licenses must be graduates of dental colleges accredited by the American Dental Association's Commission on Dental Accreditation (S.B. 3061, Althoff-Haine—Miller).

**Funeral Directors.** Only licensed funeral directors, embalmers, and interns under their supervision may meet with consumers to explain and contract to provide services (except pre-need sales). The state will no longer license "customer service employees" of funeral homes. DFPR is given more powers to investigate, hold hearings, and discipline funeral directors and embalmers. Home rule is pre-empted (H.B. 6420, Reitz et al.—Haine-E.Jones).

**Hair Braiding; Cosmetology Licensing.** Persons practicing as, or holding themselves out to the public as, hair

braiders must be licensed by DFPR. Persons licensed to practice or teach cosmetology need not be separately licensed to braid hair. Persons authorized to practice or teach cosmetology by another state may be licensed to do so in Illinois without examination if they meet all other Illinois licensing requirements (H.B. 5783, Burns-Howard-Connelly-E.Sullivan-Washington et al.—Raoul-J.Collins-Martinez-Hunter).

**Insurance Adjusters.** Any person or business acting or advertising as an insurance adjuster for property claims on behalf of insureds must be licensed by the Department of Insurance. An adjuster's contract with an insured must be written and disclose information specified in this act (including the total compensation the adjuster will receive and any financial interest the adjuster has in another party involved in the claim). Adjusters must keep detailed records of their work for 7 years (S.B. 660, Kotowski—Fritchey).

**Marketing to Licensees Restricted.** DFPR's databases on its licensees may

not be used by third parties to market goods or services unrelated to a licensee's profession or occupation (H.B. 6194, Pihos-Leitch-Washington—Pankau).

**Medical Credentials.** Medical professionals are forbidden to give false or misleading information about their education, licenses, expertise, skills, or certification. They must prominently display information on their types of licenses, and (unless prevented by sterilization or isolation protocols) carry it on name tags whenever they interact with patients (S.B. 3509, Haine-Althoff-Holmes-Hunter-Radogno et al.—Saviano-E.Sullivan).

**Sports Agents.** Persons acting as agents for students playing or seeking to play intercollegiate sports must be licensed by DFPR. Those so acting now must apply for licenses within 90 days after this act takes effect. Contracts with the athletes must contain required disclosures, and an athlete can cancel within 14 days without obligation. DFPR may investigate and act against alleged violators. Home rule is pre-empted (S.B. 2542, Wilhelmi-Althoff-Maloney—Cross-Schmitz-Connelly-Coulson-Bellock). □

*Phillip Garee  
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# Revenue

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***The General Assembly voted to allow a sales tax holiday in August, and amnesties for unpaid use tax and other taxes from past years. Each Chicago-area county will have a board appointed by the Governor to study its tax assessments and make recommendations to increase fairness. Sales of distressed properties will be taken into account when equalizing assessments. Additional procedures are created for collecting debts owed to the state. New or extended investment tax credits will be offered.***

**Collection Procedures.** The Illinois Department of Revenue (IDOR) may make an agreement with any other state for each state to collect taxes that

a person owes to the other state. If a person protests collection, IDOR must forward the protest to the other state and get certification from it that the



taxpayer's claims have been validly denied before collecting.

IDOR's Director can set the fee that its Debt Collection Bureau charges to collect debts for other state agencies

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(entities established by the Illinois Constitution remain exempt). On a debt referred by the state to a private collection agency after June 2010, the fee charged may not exceed 25% of the liability (except on a tax debt) and will be an added charge to the debtor.

The time limit for filing collection actions and assessments on sales tax is tripled to 6 years after judicial remedies against a tax have expired. The Secretary of State may disclose Social Security numbers to IDOR, solely for its tax collections (H.B. 5781, Lang—Silverstein).

**Debts to State; Tax Amnesty.** IDOR may sell to a debt collector the right to collect a debt owed to the state (except a tax debt) that is certified as uncollectible by the Attorney General—or by the creditor agency, if under \$1,000. State agencies may accept deferred-payment plans, or may compromise, debts (except tax debts) owed to the state for over 1 year under restrictions in this act, or sell the debts to debt collectors.

A tax amnesty will be offered from October 1 through November 8, 2010 for any state taxes due from July 2002 through June 2009; interest and penalties will be abated if taxes are paid. If a tax from those years is not paid during that time, penalties and interest will double (S.B. 377, Kotowski-Lauzen-Schoenberg—Lang-Currie).

**Lottery Sales at Veterans' Posts.** The State Lottery will let veterans' service organizations sell tickets for the scratch-off game to benefit veterans. The organizations will pay for the tickets when buying them, but incur no fees; they will get a 2% commission and 1% for each winning ticket worth over \$1,000 (S.B. 3661, Bond-Noland-E.Jones-Lightford et al.—Dugan-McAuliffe).

**Property Taxation.** *Assessments and exemptions.* A Taxpayer Action Board for each of the counties of Cook, DuPage, Kane, Kendall, Lake, McHenry,

and Will will be appointed by the Governor. They will oversee and make recommendations on implementing the Homestead Assessment Transparency Act (2009); evaluate how counties assess residences and the accuracy of computerized mass appraisal, reporting to the Governor and General Assembly; and propose changes in property tax policies and procedures to the county and/or IDOR.

Starting in tax year 2010, the Returning Veterans' Homestead Exemption applies to the tax year after return from active duty (in addition to the year of return as under current law).

To get the full standard homestead exemption for disabled veterans in tax year 2010 or later, a veteran's service-connected disability must be at least 70% (it was 75% for 2007-2009). Recipients must apply annually—as must Senior Citizens' Homestead Exemption recipients in Cook County.

For the alternative general homestead exemption, the base years in counties other than Cook are changed from 2005 or 2006 to 2008 or 2009 (chosen by the county). The 7% expanded homeowner's exemption on residential property in Cook County is extended 3 years, but maximum exemptions will decline over those years. Other counties can adopt the exemption within 6 months after this law takes effect (S.B. 3638, Link-E.Jones-Lightford-Raoul-Silverstein et al.—Currie-Walker-Lyons-Harris-Mathias et al.).

*Credit cards for paying.* Cook County, starting in 2012, must accept credit card payments for property taxes if taxpayers pay processing costs. Credit cards may be declined for late property tax payments and tax or scavenger sale payments (H.B. 6062, Feigenholtz—Garrett et al.).

*Manufactured housing.* Mobile or manufactured homes measuring at least 8 x 40 feet, if properly installed outside a mobile home park after this act takes effect, will be taxed as real property. The

Mobile Home Local Services Tax Act will still apply to units in mobile home parks, and to units outside parks to which it applies on that date (until their sale or relocation) (H.B. 6241, Black-Hannig-Reitz-Eddy et al.—Clayborne-J.Jones).

*PTELL and debt service.* An extension base for debt service, if raised by referendum after February 2, 2010, will not automatically increase by the lesser of 5% or the percentage increase in the Consumer Price Index each year, unless those automatic increases are authorized in the referendum question (S.B. 3139, Harmon—Nekritz-Biggins-Turner-Mautino-Jakobsson).

*Senior citizen deferral.* The limit on annual income for deferral is raised \$5,000 to \$55,000 in 2011. After tax year 2010, property cannot begin deferral if it is held in trust (except an Illinois land trust whose only beneficiary is the taxpayer), and total annual deferrals per taxpayer may not exceed \$5,000. If a county allows a final sale of property that was subject to deferral without getting its deferred taxes and interest paid, IDOR will withhold enough from future deferral payments to the county to pay for the deferral (H.B. 5813, Currie-Soto-Hernandez-Acevedo-Berrios et al.—Link, **Amendatorily Vetoed**).

*Short sales and equalization.* Local boards of review and the Property Tax Appeal Board are to include "short sales" (sales for less than is owed on the property), and first sales of foreclosed property, in reviewing assessments if the properties so sold were in conditions like when they were assessed. Starting in assessment year 2011, boards of review must consider those sales during equalization. If those sales are at least 25% of all property transfers in an area for the class of property, and the median assessment level for those sales is higher than the median level for arm's-length sales, those sales must be included in the arm's-length transaction study and the board must calculate a new median assessment level and adjust all assessments. IDOR is to include

(continued on p. 28)

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# Social Services

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**Bills that passed both houses call for investigating deaths of juveniles in state custody, and recipients of mental health or developmental disabilities services; increasing oversight of nursing homes that get public funds; and fighting fraud and waste in public assistance programs. Other bills will allow adoptees to get more information on their birth parents; raise the lifetime coverage limit in the Comprehensive Health Insurance Plan; and offer medical coverage to people screened and diagnosed with some cancers.**

**Adoption. Information on parents.** Adoptees born in Illinois before 1946 can get unaltered copies of their birth certificates on request to the Illinois Adoption Registry. Starting November 15, 2011, an adoptee born in Illinois after 1945, if at least 21, may request a birth certificate copy. If a birth parent before January 1, 2011 has filed a denial of release of identifying information, the adoptee will get a copy lacking identifying information on that parent. (Similar rights to information will apply to surviving spouses and children of deceased adoptees.) Through December 31, 2010, a birth parent may deny release of identifying information by filing a Denial of Information Exchange with the Registry; starting in 2011, a birth parent may do so by filing a Birth Parent Preference Form. The Illinois Department of Public Health (IDPH) must use a year-long national information campaign to tell the public about procedures for filing these forms. Requests made by a birth parent to bar release of identifying information on a birth certificate will expire on the birth parent's death. Adoptees whose birth parents denied release of information may search every 5 years to get updated medical information and confirmation that their birth parents want to remain anonymous. Adoption forms are to ask birth parents to provide non-identifying information for medical and other purposes (H.B. 5428, Feigenholtz-Jakobsson-Saviano-Jefferson-Sente et al. — Wilhelmi-Silverstein-Martinez-Delgado-Hunter et al.).

**Newborn surrender.** In lieu of getting Illinois Adoption Registry and Medical Information Exchange forms, parents relinquishing infants at hospitals, fire stations, and emergency medical facilities are to get a brochure with a part they can mail in to provide basic information on the infants, and information on the Adoption Registry (the information is also to be posted on the Internet) (H.B. 5459, Coulson-Cole-Nekritz-Bellock-Jakobsson et al. — Trotter-Martinez-Hutchinson-Hunter-Silverstein et al.).

**Cancer Medical Benefits.** State residents under 65 with no health coverage, who are screened and diagnosed with breast or cervical cancer and referred by IDPH to the Department of Healthcare and Family Services (DHFS) for treatment, become eligible for Medicaid funding for that purpose (H.B. 5891, Pihos-Bellock-Coulson-Kosel-Bassi et al. — Hunter-Holmes-J.Collins et al.).

**CHIP Limit Raised.** The lifetime limit on Comprehensive Health Insurance Plan coverage is raised from \$2 million (it would have dropped to \$1.5 million on August 29, 2010) to \$5 million. Persons who lost CHIP coverage due to a lower limit can be reinstated within 90 days after the increase despite pre-existing conditions (S.B. 663, Demuzio — M.Davis).

**Death Investigations. Juvenile institutions.** The Department of Juvenile Justice must create a mortality review team if a youth dies in its custody.



The team will help determine cause of death; evaluate how it might have been prevented; recommend training for Department staff; and make recommendations to prevent future deaths. The Department Director must respond to any recommendations and report to the Executive Inspector General on implementation (H.B. 5007, Turner et al. — Link).

**MH/DD institutions.** The Department of Human Services (DHS) must have a team to investigate each death at a developmental disabilities or mental health facility it operates, or community agency or program for such services that it funds, licenses, or certifies. The team will review cases quarterly and report to the Secretary of DHS. It may make recommendations to prevent patient deaths and better investigate them. DHS must report on implementation within 90 days (H.B. 5152, Nekritz-Coulson-Mathias-Bellock-Cole et al. — Steans-Hunter-J.Collins et al.).

**Disabled Children's Services.** A child with a disability, getting residential and educational services from the Department of Children and Family Services (DCFS), can also get transition services under the School Code from age 14½ through 21 to aid the move to post-school activities (H.B. 5688, Brauer — Lightford-J.Collins et al.).

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**Financial Exploitation.** The Department of Financial and Professional Regulation and Department on Aging will jointly develop standards for training financial institution employees having customer contact on detecting financial exploitation of the elderly (S.B. 3267, Hunter-Crotty-Martinez-Delgado-J.Collins et al. — Turner-Harris-D’Amico-Fritchey-Lyons et al.).

**Fraud Prevention. Audits.** DHFS may contract with private firms to audit payments under the Public Aid Code for possible waste and fraud (H.B. 5242, Bellock-Tryon-Pritchard-Pihos et al. — Dillard-Lauzen-Righter-McCarter).

*Task force.* A Public Benefits Fraud Protection Task Force, with 17 members co-chaired by one legislator from each house, will investigate fraud in public aid programs, making a final report and recommendations by December 31, 2011 (S.B. 3815, Bond-Dillard-E.Jones et al. — Farnham-Currie-Bellock-Cole-Franks et al.).

**Homeowner Mortgage Aid.** If money is appropriated, the Illinois Housing Department Authority (IHDA) can make grants for the rest of 2010 to Illinois homeowners whose mortgages are being foreclosed; whose incomes are under 120% of the area median income; who have attended certified housing counseling; and whose lenders agree to halt foreclosure proceedings and renegotiate, among other requirements. Grants cannot exceed the lesser of \$6,000 or three monthly mortgage payments per applicant, or \$3 million statewide (H.B. 2360, Turner-Ford-Franks et al. — Hendon-Hunter-J.Collins et al.).

**Hunger.** DHS is to establish a Commission to End Hunger. It will develop a plan every 2 years to end hunger in Illinois; review progress;

and aid collaboration among government entities and private participants (S.B. 3158, Harmon-Koehler-Frerichs-Millner-Lightford et al. — Hernandez-Lang-Harris-Jakobsson-Bellock et al.).

**Involuntary Mental Treatment.** A new category called “involuntary admission on an outpatient basis” is created. Persons determined by a judge to be eligible for such admission can be required to get mental health treatment, typically while in a relative’s care or by visiting a community mental health center, to prevent later inpatient admission (H.B. 5350, Bellock-Pihos-Tryon — Righter-Althoff et al.).

**LINK Use at Farmers’ Markets.** With federal regulatory approval and if funds for terminals are obtained, LINK card holders will be able to buy foods eligible for SNAP (formerly Food Stamp) benefits at farmers’ markets (H.B. 4756, Ford-Flowers-Feigenholtz-M.Davis-Harris et al. — Hutchinson-Holmes-Hunter-Wilhelmi-Koehler et al.).

**Minors. Palliative care.** With federal approval, DHFS will have a 3-year pilot program allowing children under 18 with potentially life-limiting diseases to get Medicaid-funded palliative care outside hospitals while efforts to fight their diseases continue (S.B. 2931, Righter-Althoff-Delgado-Raoul-Hutchinson et al. — Osmond-Kosel-Beaubien-Feigenholtz-Flowers et al.).

*Residential service grants.* Subject to appropriation, DCFS in consultation with the Capital Development Board may make grants to help providers of 24-hour residential services to persons under age 22 expand or improve the places where they provide those services (H.B. 5905, J.Gordon-Black-Holbrook-Bost-Howard et al. — Kotowski-Martinez-Silverstein-J.Collins).

**Veterans. Mobile services.** Subject to appropriation, the Department of Veterans Affairs can make grants to mental and preventive health service providers to use mobile units to reach veterans who are homeless or need services such as mental health screening, preventive health care, and crisis intervention (H.B. 5823, Mulligan-Bellock-McAuliffe-Cole-Mell — Kotowski).

**Youth Programs.** Using appropriated or donated funds, the Department of Human Services will create an Illinois Youth Development Council, Youth Advisory Group, and Afterschool Demonstration Program. With advice from the Group, the Council will set goals for expanding after-school programs; create standards for them; and oversee ways to improve program participation and quality (S.B. 3543, Hutchinson-Martinez-Millner-Lightford-Demuzio et al. — J.Gordon-W.Davis-Sente-Coulson-Riley et al.). □

*Cristina Almendarez  
Research Assistant*

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# State Government & Pensions

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**Bills that passed both houses call for nominating candidates for Governor and Lieutenant Governor to run together in general elections; stronger protections against fraud for public agencies, including having an Inspector General for the Toll Highway Authority; and evaluating all programs in the Executive Branch for possible change. Illinois will remember the slave trade and the Emancipation Proclamation, and will study the Nazi-perpetrated Holocaust.**

**ARRA Bonding Re-allocation.** The Illinois Finance Authority is authorized to accept unused allocations from any county, or a municipality of at least 100,000, of its share of the \$1.67 billion in bond-issuing authority allocated to Illinois under the American Recovery and Reinvestment Act of 2009, and re-allocate it to any of 13 regional economic authorities in the state designated by the donating local government. If those authorities do not issue the bonds by August 16, 2010, the Illinois Finance Authority may again re-allocate them to qualified projects in the area of the regional authority that did not issue them. Similar powers are given to the Authority for \$133.8 million in ARRA energy conservation bonds. The Authority must report monthly to the General Assembly on its implementation of this act (H.B. 2369, Mautino-Bradley-Moffitt-Yarbrough-Chapa LaVia et al.—Wilhelmi-Koehler-Althoff et al.).

**Commemorations. Emancipation Proclamation.** The first full week of each January is designated Emancipation Proclamation Week, to be observed by educational and celebratory observances in public schools and elsewhere on the work of Abraham Lincoln and others in freeing Americans from slavery and leading to the end of slavery in the U.S. (H.B. 5463, Currie-Bellock-M.Davis-Turner—Trotter-Raoul et al.).

**Slavery.** Each March 25 will be designated to remember the victims of slavery and of the trans-Atlantic slave trade, and African-American contributions to Illinois and the nation (H.B. 4586, Ford—Hunter-E.Jones-J.Collins).

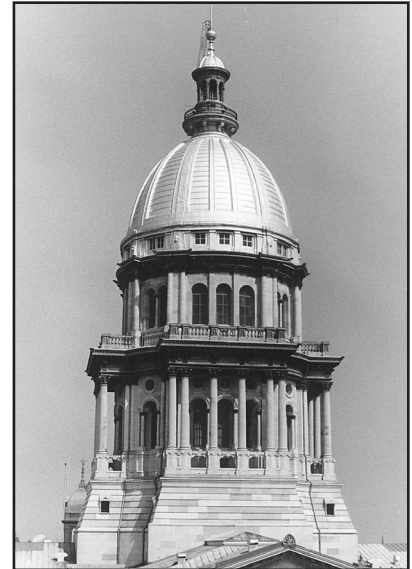
**Contract Renewals.** Agencies' chief procurement officers must send notice of a proposed state contract renewal costing at least \$250,000 to the state Procurement Policy Board, which can hold a hearing and block renewal (S.B. 375, Kotowski-Demuzio-Hutchinson-Bond-Frerichs et al.—Walker).

**Elections. Governor & Lieutenant Governor nomination.** Each nominating petition for a candidate for Governor or Lieutenant Governor must propose a candidate for each of those offices, to be voted on jointly (H.B. 5820, Lang-Turner-Froehlich-Soto-Yarbrough et al.—Raoul).

**Military absentees.** Special write-in absentee ballots, used if there is too little time to send regular ballots to military personnel, may be used in primary (added to general) elections. Military ballots may be sent and returned by fax or e-mail in addition to existing methods. If U.S. military forces are deployed or the President declares an emergency, the Governor or the State Board of Elections' Director may modify military voting procedures (H.B. 6077, Nekritz—Link).

**Voters' guides.** The State Board of Elections must (instead of being authorized to) publish a voters' guide before a primary election (H.B. 4842, Currie—Sandoval, **Amendatorily Vetoed**).

**Employee Privacy.** Performance evaluations of public or private employees cannot be disclosed under the Freedom of Information Act (H.B. 5154, Chapa LaVia-Froehlich et



al.—Lightford-Koehler-E.Jones et al., **Amendatorily Vetoed**).

**Employment Restrictions Study.** The Task Force on Inventorying Employment Restrictions will be chaired by a gubernatorial appointee, and the heads of four more state agencies added as members. Non-appropriated sources may be used to fund it (S.B. 2109, Clayborne-Dillard-Kotowski-Holmes et al.—Howard-Stephens-Jackson-Beiser-Hoffman et al.).

**Evaluating State Programs.** An eight-member Sunshine Commission, including four legislators, will examine all executive-branch programs for relevance, efficiency, and effectiveness in meeting statutory goals. It is to report within 6 months, after which the General Assembly is to adopt or reject its recommendations by joint resolution (H.B. 4836, Reis-Cross-Senger-Reboletti-Hatcher et al.—Murphy-McCarter-Duffy-Hultgren-Millner, **Amendatorily Vetoed**).

**False Claims.** The Whistleblower Reward and Protection Act is renamed the Illinois False Claims Act. Allegedly false claims for public funds can be investigated by the Attorney General (added to the Department of State Police); and either of them can now investigate claims on local governments and public educational institutions. The kinds of claims



involved are expanded to include claims to public contractors and grantees for money intended for public programs or purposes. If the state intervenes in a private suit under the Act, it can expand and add to the suit's claims. A defendant found to have made false claims can be ordered to pay amounts lost by any government entity. The amended Act says that its civil penalties are not intended to bar prosecution for the same actions. Protection from retaliation for opposing violations of the Act is extended to contractors and agents of entities that get public funds (H.B. 5951, Burns—Schoenberg-Noland).

**Fiscal Reports.** The Governor's Office of Management and Budget by each January 1 must post on the Internet a report on the state's long-term economic and policy objectives, with current financial data and plans for the next 2 fiscal years (H.B. 6268, Pritchard-Mathias-Cole-Kosel-Black et al.—Burzynski-Noland-Frerichs-Bond et al.).

**Governors' Portraits.** State funds may not be used for a portrait of a former Governor removed from office by impeachment and conviction (H.B. 5109, Black—Frerichs-Kotowski).

**Holocaust and Genocide Study.**

An 18-member Illinois Holocaust and Genocide Commission will be a resource for local schools, and for colleges, considering courses on the Nazi-perpetrated Holocaust; compile lists of persons and places in Illinois that have information on the subject; and coordinate and promote remembrance of the Holocaust on International Holocaust Remembrance Day (January 27) and other days (H.B. 6059, Feigenholtz-Franks-Mathias-Burns-Crespo et al.—Silverstein-Rutherford-J.Collins-Schoenberg et al.).

**Military Service. Bonuses.** Afghanistan or Iraq Campaign Medal recipients are added to the persons eligible for a \$100 bonus, retroactive to July 24, 2009 (S.B. 3128, Bomke—Poe-Connelly-McAuliffe-Reboletti et al.).

**Pension credit.** A police officer can buy pension credit for up to 2 years' past military service by paying the employee and employer contributions with interest (S.B. 3022, Jacobs et al.—Burke-J.Watson-Mendoza).

**Riverboat Gambling Regulation.**

The Illinois Gaming Board becomes an agency separate from the Department of Revenue, retroactive to July 1, 2009.

The Board's members are barred from engaging in political activity, and must adopt a strict code of conduct against conflicts of interest by the Board and employees (S.B. 1937, Link-Syverson—Lang-Phelps).

**Tollway Inspector General.** The Governor, with confirmation by three-fifths of the Senate, will appoint an Inspector General of the Illinois State Toll Highway Authority to a 5-year term. The IG's office can investigate reports of fraud, waste, abuse, mismanagement, and misbehavior by the Authority, its employees, and companies doing business with it, or investigate such issues on its own. The IG will report any conclusions of wrongdoing to the Authority's Executive Director and board of directors, except that conclusions involving those persons will go to the Governor and to members not accused of wrongdoing. Allegations of State Officials and Employees Ethics Act violations will be referred to the Governor's Executive Inspector General (S.B. 3118, Garrett-Schoenberg-Lauzen et al.—Nekritz-Coulson-Bellock-Moffitt). □

*Lhea Randle  
Research Assistant*

## LRU Publications Receive National Recognition

Three LRU publications were selected for awards and national recognition by the Legislative Research Librarians (LRL) section of the National Conference of State Legislatures (NCSL) 2010 Notable Documents Award. The LRU publications selected for awards—*AIDS and the Law: What You Should Know*, *Laws for Older Adults*, and the *Illinois Tax Handbook for Legislators*—were commended as “innovative in providing substantive information on contemporary issues of interest to legislatures.”

*AIDS and the Law: What You Should Know* was revised by Robert L. Bayless, Senior Staff Scientist; *Laws for Older Adults* was revised by Melissa Cate, Senior Research Associate; and the *Illinois Tax Handbook for Legislators* was revised by Sarah E. Franklin, Senior Research Associate. David R. Miller, Deputy Director for Research; Jennifer Ehlers, Office Administrator; and Dianna Jones, Graphic Arts Specialist, were also significantly involved in the production of all three publications through editing, proofreading, and layout and graphics, respectively.

Copies of the publications were displayed at the NCSL Legislative Summit in Louisville, Kentucky during July's LRL Business Meeting. They will also be featured this fall in publications reaching legislators and staff nationwide, including *LRL Newslines*, *State Government Research Checklist*, *State Legislatures*, and *State Government News*. In addition, a copy of each publication will be kept as a resource at NCSL for sharing with other states. All three publications are available from the LRU Web page:

[http://www.ilga.gov/commission/lru/lru\\_home.html](http://www.ilga.gov/commission/lru/lru_home.html)

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# Transportation

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**The General Assembly voted to authorize an Interstate highway linking I-55 in northern Illinois to I-65 in northern Indiana; require safeguards against abuse of automated stoplight enforcement; offer more protection to pedestrians and bicyclists at intersections; and allow off-road vehicles to be used in farming, subject to restrictions.**



**Dangerous Driving.** Recklessly driving toward or near a pedestrian, bicyclist, or other person not in a vehicle becomes a Class 3 felony if great bodily harm results, or a Class A misdemeanor otherwise (S.B. 2951, Silverstein—Sente-Jakobsson-Nekritz-B.Mitchell-E.Sullivan et al.).

**Illiana Expressway.** A new act calls for building an Interstate highway to connect Interstate 55 in northern Illinois to Interstate 65 in northern Indiana. It (or its Illinois miles) may be built, and/or operated as a toll road, by one or more private contractors chosen by the Illinois Department of Transportation (IDOT) after issuing requests for proposals. Each such contractor must comply with various requirements currently in Illinois procurement laws or imposed by this act. No debt issued to finance the highway will be state debt. The proposed highway will be exempt from property taxes even if leased to a taxable entity, and will eventually become state property (S.B. 3659, Hutchinson-Wilhelmi-Dahl-Koehler-Holmes et al.—Currie-C.Gordon-J.Gordon-Stephens-DeLuca et al.).

**License Plates. Ducks Unlimited; 4-H Clubs.** Ducks Unlimited special plates are authorized for an additional \$40 at initial issuance (with \$25 going to a new Ducks Unlimited Fund for wetland conservation and outreach programs) and \$27 at renewal (with \$25 going to the Fund). Also, 4-H special plates are authorized for an additional \$40 at issuance (with \$25 going to a new fund for grants to 4-H programs) and \$12 at renewal (with \$10 going

to the new fund) (H.B. 5193, Pritchard-Turner-Chapa LaVia-Reis et al.—J.Sullivan).

**Fraternal Order of Police.** Members of the Fraternal Order of Police may get special plates for an additional \$25 at issuance (with \$10 going to a new Fraternal Order of Police Fund) and \$25 at renewal (with \$23 going to the Fund). Subject to appropriation, proceeds will go to the Fraternal Order of Police to support its programs (H.B. 5507, C.Gordon—Demuzio-Haine-Millner-Muñoz).

**Purple Heart.** The Secretary of State must offer Purple Heart license plates for motorcycles (S.B. 3023, Bomke—Poe-Brauer-Bellock).

**Share the Road** special license plates are authorized for an additional \$22 at issuance (with \$17 going to a new Share the Road Fund) and \$22 at renewal (with \$20 going to the Share the Road Fund). The Fund will support the Illinois League of Bicyclists' educational programs on sharing of roadways by motorists and bicyclists (S.B. 2798, Bond-Maloney et al.—Lyons-Jakobsson-Bellock-Dunkin et al.).

**Soil and Water Conservation District** special plates are authorized. Of the added \$40 initial and \$27 renewal fees, \$25 each will go to a new Soil and Water Conservation District Fund for grants to Soil and Water Conservation districts for conservation and restoration projects.

**St. Jude Children's Research Hospital** special plates are authorized. Of the added \$40 initial and \$27 renewal

fees, \$25 each will go to a new St. Jude Children's Research Hospital Fund for grants to St. Jude Children's Research Hospitals for pediatric treatment and research (H.B. 4966, Rose—Stears).

**Veterans.** The \$15 fee at original issuance is eliminated for U.S. veteran, U.S. Army veteran, Korean War veteran, Vietnam veteran, and World War II plates (H.B. 4778, Moffitt-Dugan-Bost-Sacia-M.Davis et al.—Koehler). An Illinois Women Veteran special license plate is authorized. An added \$15 fee at original issuance will go to the Special License Plate Fund (H.B. 4667, D'Amico-Cross-Senger-Lyons-Boland et al.—Lightford-J.Collins-Martinez-Noland et al.).

**Off-Road Vehicles. Regulating use.** The definition of "non-highway vehicle" for the following purposes is expanded to include recreational off-highway vehicles. Persons licensed to drive by other states may operate non-highway vehicles on streets and roads like Illinois licensees; but local governments or IDOT may restrict the types of non-highway vehicles allowed on such public roadways, or ban them completely. Non-highway vehicles may be driven on county or township roads for farming purposes. When so used, they need not meet equipment or insurance requirements usually applying to non-highway vehicles if they have farm, home, or non-highway vehicle coverage with the same minimum liability limits. They may not cross toll, Interstate, or other limited-access highways, but may cross non-divided state, county, or

local roads, with caution, at approximately 90-degree angles (H.B. 6094, McAsey-Beiser-Eddy-Mautino-Dugan et al. — Wilhelmi).

**Snowmobiles.** A person must have liability insurance when driving a snowmobile—except on land, not marked as a snowmobile trail, that the person owns or has permission to use. Violators can be fined \$501 to \$1,000. Nonresidents of Illinois, using snowmobiles not registered here on land they do not own and do not have contractual rights to use, must buy and attach \$25 annual trail use stickers to them; fees for registering snowmobiles are increased, with proceeds used to establish snowmobile trails (S.B. 3091, Althoff-Risinger-Millner et al. — Tryon-Sacia-Moffitt-Osmond-Boland).

**Pedestrians With Disabilities** are declared to have the same rights as other pedestrians to use sidewalks and streets. Denying or interfering with those rights becomes a Class A misdemeanor with a mandatory minimum fine of \$500. Motorists must stop more than 10 feet from a pedestrian who appears to have a disability based on use of a white cane, scooter, or service animal, and use care to avoid causing injury (H.B. 5095, Cross-Schmitz-Mathias-Bellock-Osmond et al. — Link-Althoff-Holmes et al.).

**Permits After License Suspension.** If a driver’s license has been suspended for nonpayment of support, the Department of Healthcare and Family Services may direct the Secretary of State to issue the person a “family financial responsibility driving permit” to get to work, medical care, or other essential destinations (H.B. 6450, M.Davis et al. — Martinez).

**Regional Transportation Authority Borrowing.** The RTA may issue an added \$200 million in working cash notes before July 2012, raising its limit for such notes to \$300 million (S.B. 941, Muñoz—Nekritz-Bassi-Mathias).

**Seatbelts.** A driver whose passenger is unable due to illness, infirmity, or age to adjust and fasten the passenger’s seat belt must do those things (S.B. 3272, Maloney—Beaubien-Cross).

**Stoplight Cameras.** The traffic signals at any intersection that has photographic traffic enforcement must have a yellow-light interval complying with IDOT’s manual for traffic control devices. A driver may not be cited by such a system if the vehicle stops before entering the intersection (even if it passes a stop line or crosswalk), unless a pedestrian or bicyclist is present. No ticket may be issued unless a police officer or trained technician finds that a photographic image shows a violation; the image must be available to the driver through the Internet. The driver may not be charged for getting an administrative hearing. All intersections with photographic traffic enforcement must be listed on the municipal or county Internet site; and a statistical analysis must be done of whether crashes rise or fall after photo enforcement begins (S.B. 935, Cullerton-Hendon-Millner-Delgado et al. — D’Amico-Froehlich-Senger).

**Towing Operators** are forbidden to misrepresent affiliations with governments, insurers, clubs, or other entities to get towing business (S.B. 3584, Bond-Maloney-Crotty et al. — Fritchey-Sente-Pritchard et al.).

**Traffic Fine Payment.** If a driver’s license was to be suspended due to unpaid fines, and the driver agreed to a payment plan to avoid suspension but is over 14 days behind on it, the license is to be suspended. Municipalities must notify the Secretary of State of such payment plans (H.B. 4982, Fritchey—Maloney-Hunter). □

*Kevin Jones*  
*Research Associate*

## 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](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.

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## Revenue

(continued from p. 21)

those sales after 2010 in its sales ratio studies used for equalization (S.B. 3334, Lauzen-Althoff-Pankau-Hutchinson-Burzynski et al.—Farnham-Chapa LaVia-Franks-Golar-E.Sullivan et al.).

*Special-area assessments.* A provision that in counties except Cook, subdividing and adding streets and utilities to land will not increase its assessed value will not apply to property in a special service area assessed solely on its land value without improvements (S.B. 2795, Althoff—Tryon-Beaubien).

*Veterans' exemption.* A disabled veteran granted a homestead exemption, who later enters a nursing or veterans' home, will remain eligible for the exemption on the residence if it is occupied by the veteran's spouse or is owned by the veteran (S.B. 3666, Hutchinson-Noland-E.Jones et al.—Riley-Chapa LaVia et al.).

**Research Credit Extended.** The research and development income tax credit, which automatically sunset at the end of 2009, is extended to 2010, but cannot be carried forward to later years (S.B. 3655, Kotowski-Rutherford et al.—Currie-Flider).

**Sales Tax Holiday.** The 5% state sales and use taxes will not be collected on clothing items costing less than \$100 each, or school supplies for students, from August 6 through 15, 2010. But the 1.25% local portion will apply, with proceeds allocated among funds for local governments (S.B. 3658, Demuzio-Hutchinson-Noland-E.Jones-J.Collins et al.—Farnham-Franks-Chapa LaVia-Crespo-Sente et al.).

**STAR Bonds; Angel Investor Credits.** A municipality, or county in an unincorporated area, may propose a Sales Tax and Revenue (STAR) bond district on land meeting these criteria: 250 to 500 acres; next to an Interstate highway; within 1 mile of each of two

state highways and a large stadium; containing a former mine; and blighted. After a hearing, the city or county may propose a district, name a developer, and seek IDOR approval based on projections of at least \$100 million invested, \$100 million in annual sales, and 500 new jobs. If IDOR approves the district, and approves the project after a feasibility study, another hearing must be held on issuing STAR bonds. They can mature in up to 35 years and will be repaid mostly from increased local, and some state, sales tax revenues in the district. A local STAR sales tax up to 1% may also be imposed in the district.

A new "angel investment" income tax credit is allowed, for 25% of an investment up to \$2 million in a small, early-stage technology company registered with the Department of Commerce and Economic Opportunity and meeting other criteria. Investments must remain in place at least 3 years. Up to \$10 million in these credits may be given per year. Tax credits per year under the New Markets Development Program are doubled to \$20 million (S.B. 2093, Forby-Wilhelmi et al.—Bradley-Phelps-E.Sullivan-Flowers-Reitz).

**Use Tax Payments and Amnesty.** Starting in 2011, an individual taxpayer who owes up to \$600 per year in use tax can pay it along with Illinois Income Tax. Amnesty will be offered from January 1 to October 15, 2011 to individual taxpayers for use tax owed on goods they bought from July 2004 through December 2010 without paying sales tax. Penalties and interest will be abated, and no criminal proceedings begun, if all use tax owed for those years is paid (S.B. 459, Harmon—Moffitt-Black-Mathias-Crespo-Cavaletto).

**Video Gaming. Locations.** A liquor licensee that has a contractual relationship with an off-track betting location may be licensed for video gaming, if the contract does not include a transfer

of video gaming revenue to a horse racing licensee and the liquor licensee is neither an OTB licensee nor under common ownership with a racing licensee. The ban on video gaming within 1,000 feet of an OTB location is eliminated (S.B. 744, Link-Syverson-Martinez—Lang-Burns).

*Miscellaneous.* The bans on video gaming terminals near a racetrack, OTB location, school, or church will not apply to such an entity that opens after a nearby place was already licensed for video gaming. The Illinois Gaming Board may waive the ban on a licensee's being less than 1,000 feet from a racetrack, OTB location, or riverboat, unless there is common ownership or a business arrangement between the two. The Board may forbid video gaming terminals in a location if they would enable "undue economic concentration" in the state's video gaming industry.

A ban on a terminal operator's owning, or having a major interest in, over 5% of video gaming terminals in Illinois is ended. No video license may be granted to anyone who has been convicted of gambling or a related offense, or is under influence or control of such a person.

Video gaming terminals on premises licensed to sell liquor may be used only during the hours allowed to liquor licensees by the local government—but may be used at any time in a licensed truck stop with no liquor license. A truck stop may have video terminals only if it sells at retail over 10,000 gallons of diesel or biodiesel fuel per month (added to other requirements). Terminals are also allowed in licensed fraternal or veterans' establishments in areas of Brown or Edwards County where county ordinance prohibits sale of alcohol (H.B. 4927, Lang-Verschoore et al.—Link). □

Sarah E. Franklin  
Senior Research Associate

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# 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 Rules, Joint Committee on**

### *Annual report 2009*

JCAR considered 317 general, 56 emergency, 20 peremptory, 9 exempt, and 4 required rulemakings. JCAR actions included 6 filing prohibitions, 10 objections, and 9 recommendations on general rulemakings; 1 suspension, 6 objections, and 2 recommendations on emergency rulemakings; and 1 objection on peremptory rulemaking. Summarizes some rulemakings and related court cases; lists rulemakings and JCAR actions by agency; and gives historical data on rulemaking since 1978. (5 ILCS 100/5-140; Feb. 2010, 99 pp.)

## **Agriculture Dept.**

### *Farmland conversion, FY 2009*

State agency purchases or other actions affected 26,530 acres. EPA converted the most (14,446 acres). Other major conversions were by Departments of Commerce and Economic Opportunity (8,196) and Natural Resources (2,599), and the Commerce Commission (879). Lists conversions by county. (505 ILCS 75/6; March 2010, 12 pp.)

## **Attorney General**

### *Collection statistics, 2009*

State agencies referred to the Attorney General 28,415 cases involving \$162.8 million owed to the state; the Attorney General collected \$397.2 million on referrals (including some from past years). Department of Healthcare and Family Services referred 91% of cases. These data exclude \$340.1 million of tobacco settlement installments; \$255.6 million under the estate tax; and \$19.8 million in settlement of an HMO lawsuit. Including them, collections were \$1.01 billion in 2009. (30 ILCS 205/2(j); Jan. 2010, 2 pp.)

### *Lead poisoning cases, 2009*

The Attorney General is required to report to the General Assembly annual numbers of lead poisoning cases referred by the Illinois Department of Public Health to the Attorney General. Four were referred in 2009. (410 ILCS 45/12.1; Jan. 2010, 2 pp.)

### *Social Security Number Task Force report, 2009*

Task Force was created in 2004 to study SSN use by the state and changes that could help replace their use. It met once in 2009 to discuss recent changes to state and federal laws, and use of Recipient Identification Numbers (RINs) by Department of Human Services. DHS has also begun working with six other agencies to establish a single client identifier to streamline data without compromising sensitive personal information. (20 ILCS 4040/10; Dec. 2009, 7 pp.)

## **Auditor General**

### *Annual report 2009*

Auditor General completed 149 financial and/or compliance audits of state agencies. Highlights: State lacked adequate controls to ensure that agencies' financial statements conformed with generally accepted accounting principles (GAAP); state's current financial reporting process does not allow a complete and accurate Comprehensive Annual Financial Report (CAFR) or Schedule of Expenditures of Federal Awards; Corrections Department did not provide all requested documents to auditors in a timely manner, showed a lack of cooperation, and had inadequate controls over inventory; Department of State Police had inadequate controls over contractual agreements; Department of Healthcare and Family Services charged incorrect

health insurance premium rates; Department of Veterans' Affairs, Central Office failed to do annual review of benefits received by Illinois veterans; Department of Children and Family Services did not prepare financial statements in accord with GAAP; Worker's Compensation Commission had weaknesses in internal control of Rate Adjustment Fund; Department of Central Management Services needs better controls of procurement process to ensure fair and open bidding; Department of Commerce and Economic Opportunity's Illinois Bureau of Tourism's contract violates state law and circumvents appropriations process; Office of the Treasurer lacked adequate controls of financial reporting process; and Toll Highway Authority lacks sufficient controls over financial reporting process.

Performance audits, done at legislative request, looked at the following among other topics: activities of Department of State Police, Division of Forensic Services; management activities of Department of Central Management Services' joint purchasing procurements of bulk rock salt in 2008; process involved in \$1 million grant to the Loop Lab School; review of eligibility standards and procedures for long-term care in Medicaid program; annual review of information sent by Chicago Transit Authority's Employee Retirement Plan and Retiree Health Care Trust; and status of audit recommendations implemented by mass transit agencies of northeastern Illinois. Auditor General also audits 48 regional offices of education and made 79 recommendations for improvement. (30 ILCS 5/3-15; March 2010, 40 pp.)

### *CTA Employee Retirement Plan, 2009*

Auditor General is required to review funding level of CTA Retirement Plan annually. He concluded that the Plan's investment return assumption of 8.75% is optimistic. Employer contribution rates need to rise to 10.69% and employee contribution rates to 8.345% to maintain statutorily required funding levels. (30 ILCS 5/3-2.3(b); Nov. 2009, 8 pp. + 1 appendix)

### *CTA Retiree Health Care Trust, 2009*

Auditor General is required to review funding level of CTA Health Care Trust

(continued on p. 32)

## 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 2010 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-	H.B.	Public Act 96-	H.B.	Public Act 96-	H.B.	Public Act 96-	S.B.	Public Act 96-
16	893	4873	1183	5525	1325	6080	STG	28	898
537	936	4895	1311	5666	1242	6092	1249	107	927
859	956,IV	4927	1410	5669	1168	6094	STG	226	903
1188	863	4966	1377	5688	1189	6101	1261	315	861
2360	921	4982	1184	5735	1245	6124	1093	326	1372
2369	1020	5007	1378	5744	931	6129	1251	328	865
2688	887	5040	1379	5749	STG	6151	STG	365	V
3762	901	5043	1089	5752	AV	6194	978	375	STG
3785	904	5053	1411	5762	1115	6202	STG	377	STG
4209	1374	5095	1167	5772	STG	6206	1282	459	1388
4580	1305	5109	1017	5781	1383	6208	1385	615	1095
4583	1087	5147	1314	5783	1246	6239	1386	616	862
4586	930	5152	1235	5790	1091	6241	STG	642	909
4658	STG	5154	AV	5791	1092	6268	1354	660	1332
4667	1408	5161	968	5813	AV	6419	946	663	938
4674	953	5193	STG	5820	1018	6420	STG	744	STG
4698	1306	5214	924	5823	STG	6441	1331	918	979
4711	STG	5234	1319	5836	STG	6450	1284	935	1016
4715	1307	5242	942	5863	AV	6462	STG	941	906
4721	1226	5247	1185	5891	1270	6464	1094	1020	1390
4722	1218	5321	1090	5905	1192			1215	957
4738	1228	5340	STG	5918	1169			1425	885
4755	1229	5341	1237	5930	1116			1578	888
4756	1088	5350	STG	5931	1273			1702	1096
4778	1409	5351	1321	5951	1304			1937	1392
4779	1173	5428	895	6030	1413			2093	939
4781	1420	5429	STG	6041	1277			2109	1360
4801	1219	5459	1114	6047	1278			2488	1109
4836	AV	5463	1238	6059	1063			2504	1069
4842	AV	5507	1240	6062	1248			2540	1023
4858	1231	5510	1241	6065	AV			2541	983
4859	1180	5523	1188	6077	1004			2542	1030

S.B.	Public Act 96-	S.B.	Public Act 96-	S.B.	Public Act 96-	S.B.	Public Act 96-	S.B.	Public Act 96-
2544	AV	3030	1398	3272	991	3568	1407	3732	1344
2551	1019	3057	1081	3273	1117	3584	1369	3743	1130
2589	1098	3061	1222	3293	1104	3616	1342	3782	1131
2590	1129	3070	1366	3295	1401	3635	1170	3796	1002
2601	1259	3084	AV	3305	1294	3638	1418	3797	1301
2606	1074	3090	1200	3334	1083	3645	1026	3815	1346
2612	1422	3091	1291	3346	1295	3655	937	3818	1417
2615	912	3118	1347	3386	1338	3658	1012		
2795	1396	3128	902	3389	1207	3659	913		
2798	1006	3139	1202	3411	1110	3660	958		
2863	1373	3158	1119	3421	1368	3661	1105		
2931	1078	3176	1102	3467	1128	3662	959		
2951	1007	3180	1400	3478	1339	3666	1298		
2959	1028	3222	1293	3491	1111	3681	1423		
2981	1079	3249	1064	3503	1112	3684	1113		
2996	1365	3266	952	3509	1340	3699	1299		
3022	1260	3267	1103	3543	1302	3706	1223		
3023	1101	3269	1011	3547	1403	3722	1177		

### 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.

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## Abstracts of Reports Required to be Filed With General Assembly

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annually. Projected income and assets (\$753.2 million) exceeded projected benefits (\$732.7 million) by 2.8%, so no reduction in benefits or increase in contributions was needed. (30 ILCS 5/3-2.3(b); Dec. 2009, 8 pp. + appendix)

### **Central Management Services Dept.** *Small Business Set-Aside Program, FY 2009*

Small Business Set-Aside Purchases in FY 2009 were \$162.4 million. Businesses owned by minorities, women, and persons with disabilities received \$28.3 million (17.4%). Participating companies tripled from 1,925 to 5,892 between January 2005 and June 2009. The state had 64 types of set-aside services, and 46 agencies, boards, or commissions as set-aside purchasers. (30 ILCS 500/45-45(f); Dec. 2009, 5 pp.)

### **Children and Family Services Dept.** *Inspector General's report, FY 2009*

Office of the Inspector General (OIG) investigates child deaths and serious injuries; investigates welfare system complaints; investigates and prosecutes licensure complaints, helps with criminal history checks; operates a complaint hotline; acts as ethics officer for DCFS; reviews and comments on proposed rule changes; and develops best-practices training models for caseworkers and supervisors. In FY 2009 it received 89 reports of child death; 16 were ruled homicides. Hotline received 1,245 calls, resulting in 121 investigations. Includes death and serious injury investigation summaries and recommendations, and DCFS responses. Lists recommendations to DCFS for improvements, and past years' recommendations and status. Summarizes cases of disciplined employees. (20 ILCS 505/35.5(h); Jan. 2010, 212 pp. + 2 appendices)

### **Commerce & Economic Opportunity Dept.**

*Employment Opportunities Grant Program, FY 2009*

Program's goal is to help people in historically underrepresented populations

enter and finish building trade apprenticeship programs. Lists 7 Cook County and 6 statewide grantees. During 2009, 1,603 persons were recruited, 386 accepted, and 155 graduated. (20 ILCS 605/605-812(f); Dec. 2009, 3 pp.)

*High Impact Business designation, 2009*

FPL Energy Illinois Wind, LLC and Illinois Leasing, LLC were designated High Impact Businesses for a wind energy farm in DeKalb and Lee Counties. Designation lasts up to 20 years and qualifies them for the building material sales tax exemption. (20 ILCS 655/5.5(h); Oct. 2009, 2 pp.)

*State Mandates Catalog, 2009*

Describes and categorizes 149 state mandates DCEO found that were imposed on local governments since 1992 (excludes school and community college districts). (30 ILCS 805/4 and 805/7; undated, rec'd April 2010, 149 pp.)

### *Urban Weatherization Initiative report 2009*

UWI makes grants up to \$500,000 per year to public and private entities working with community-based organizations to offer job training in weatherization and subsidize weatherization services for owner-occupied dwellings of up to 5 units. Office of Urban Assistance began making presentations to potential participants, with program to begin in first quarter of 2010. (30 ILCS 738/40; Dec. 2009, 2 pp.)

### *Workforce Investment Act report, FY 2009*

The state has 26 local workforce investment areas containing Illinois workNet centers and affiliates to provide workforce services to persons with disabilities. On June 30, 2009 there were 687 active Illinois workNet sites including libraries, faith-based organizations, and educational entities. Of 18,202 disabled persons served by the workforce system, 4,108 were placed in jobs. (20 ILCS 1005/1005-155, Dec. 2009, 5 pp.)

### **Commerce Commission**

*Accidents and incidents involving hazardous materials on Illinois railroads 2009*

Commission checked 16,011 railroad cars carrying hazardous materials and

found violations in 1.8%. Of the 35 railway accidents involving hazardous materials, 5 derailments released hazardous materials, 5 did not, and 25 hazardous releases occurred without derailment. Tables show location, railroad, material, suspected causes, amounts involved and released, and date of each incident. (625 ILCS 5/18c-1204(3); April 2010, 20 pp.)

### *Public utilities report 2009*

Reviews major decisions and other activities in 2009, and overviews industries. Major electric utilities' 2008 average prices per kilowatt-hour were: Commonwealth Edison, 11.06¢; AmerenIP, 10.62¢; AmerenCIPS, 9.91¢; AmerenCILCO, 9.52¢; and MidAmerican, 6.06¢. Major gas utilities' 2008 average prices per therm were: Illinois Gas, \$1.31; Peoples Gas, \$1.28; AmerenCIPS, \$1.27; Consumers Gas, \$1.27; Atmos Energy, \$1.26; AmerenIP, \$1.25; North Shore, \$1.18; AmerenCILCO, \$1.17; MidAmerican, \$1.07; and Nicor Gas, \$1.01. Also includes major water utility rates; status of appeals from Commission orders; federal action affecting state utility service; legislative recommendations; significant Commission decisions; and emission allowance reports. (220 ILCS 5/4-304; Jan. 2010, 74 pp. + 2 appendices)

### **Community College Board**

*Adult education and family literacy report, FY 2009*

Adult education programs served 123,670 students; 16,400 earned GEDs. Also, 10,797 adult education students who finished instruction earned money in the first quarter after exit; 82% remained employed in the third quarter. Adult instruction providers include community colleges (39); local education agencies (26); community-based organizations (4); and Department of Corrections (1). (105 ILCS 405/2-4; undated, rec'd March 2010, 4 pp.)

### **Corrections Dept.**

*Correctional Industries report, FY 2009*

Illinois Correctional Industries reported a \$2.15 million gain on operating revenue of \$43.2 million. Total sales were \$45.3 million, up 8.9% from FY 2008. Sales of food were 55.3% of all sales;



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state agencies made up 96.6% of customers. No recidivism rates are available after 2006 due to database problems. (730 ILCS 5/3-12-11; undated, rec'd April 2010, 25 pp.)

*Quarterly report on population, July 2009*

On May 31, 2009 the Department's adult facilities had 45,412 residents—0.96% below the 45,854 projected using FY 2008 data. Total adult transition center population was 1,223 (57 below total capacity of 1,280). Ratio of security staff to inmates was 0.168. One capital project was being funded: Thomson maximum-security center with 1,600 beds. (730 ILCS 5/3-5.31; July 2009, 14 pp.)

**Deaf and Hard of Hearing Commission**

*Annual report, FY 2009*

Projects sponsored in 2009 were State-wide Deaf Fingerspelling Bee; fourth annual conference; and legislative updates on issues related to hearing loss. Commission licensed 603 interpreters as of June 30, 2009. Nine complaints were filed; 2 were settled, 1 lacked jurisdiction, and 7 are under investigation. (20 ILCS 3932/25; March 2010, 15 pp.)

**Education, State Board of**

*Annual report 2009*

Public school districts increased by 1 to 869 in 2008-2009, but enrollment fell from 2.113 million in 2007-2008 to 2.07 million in 2008-2009—the second decrease in a row. In 2009, the chronic truancy rate was 3.7%; dropout rate 3.5%; statewide operating expenditure per pupil, \$10,417; and elementary pupil-teacher ratio, 18.4:1. Low-income students were 42.9%. The number of students with disabilities decreased from 322,683 in 2007-2008 to 318,461 in 2008-2009. Total funding for Illinois schools was \$26.11 billion: \$14.48 billion (55.5%) local; \$7.81 billion (29.9%) state; and \$3.81 billion (14.6%) federal. (105 ILCS 5/1A-4(e); Jan. 2010, 59 pp.)

*Complaints against private business and vocational schools, 2009*

Gives names, address, and dates of visitation by State Board for each institution; a summary of complaints; and

status of investigations. The Board visited 33 schools, resolved 9 complaints, and had 55 cases open. (105 ILCS 425/14.2; Jan. 2010, 30 pp.)

*Early Childhood Prevention Initiative Program, FY 2009*

The Program seeks to reduce school failure by coordinating and expanding services to children up to age 3 in high-risk areas. It served 19,906 children through 136 programs; Parents as Teachers model was used in 71%. Developmental screenings were given to 13,894 children. Reports number of workshops offered, services offered, projects participating in coordination, participant characteristics, and number and percentage of participants responding to survey. (105 ILCS 5/2-3.89(c); 13 pp. + 1 appendix)

*Educational mandates report, 2009*

In 2008 and 2009, 29 new laws imposed 37 mandates on schools, with 21 expected to impose no added cost and 16 to impose indeterminate costs. The mandates require the following among other things: Internet safety instruction in grades 3-12; instructing teachers on common chronic health conditions of students; borrowing limits for districts of under 500,000 population; course descriptions to be “mapped” to ISBE's course classification system; reporting of teachers' and administrators' pay and benefits; transporting students for any school-related purpose by school bus only; notifying State Superintendent of any certificate holder believed to have committed abuse or neglect; prevailing wages for contracts awarded without public bidding; reasonable access for a parent or independent evaluator to observe a child's educational placement; training for evaluators of certified staff; districts to use data and indicators of student growth as significant factors in rating teachers; at least annual evaluation of a tenured teacher with a “needs improvement” or lower rating; privacy of performance evaluations; and sending data to ISBE on teacher and principal performance evaluations. (105 ILCS 5/2-3.104; Feb. 2010, 8 pp.)

*Innovation, Intervention, and Restructuring Task Force report 2009*

Makes seven recommendations: (1) identify schools needing intensive

intervention; (2) provide special training to principals and leaders in turnaround schools; (3) develop benchmarks to measure progress; (4) identify resources needed to achieve and maintain turnaround; (5) identify and apply model interventions; (6) determine funds needed to accomplish all the recommendations; and (7) list statutory and regulatory changes needed. (105 ILCS 5/2-3.64b(e); Feb. 2010, 45 pp.)

*School breakfast incentives, FY 2010*

Lists schools, total enrollment, and number of children eligible for free or reduced-price breakfasts and lunches. In 2008-2009, 30 schools received \$3,500 startup grants; 28 participated in USDA provision 2 or 3 program; 9 dropped the national breakfast and/or lunch program; and 14 were exempted from the program by their Regional Office of Education. (105 ILCS 125/4; April 2010, 2 pp. + 4 attachments)

**Educational Labor Relations Board**

*Annual report, FY 2009*

Board handled 99 representation cases; was involved through mediation in 11 strikes; and considered 247 unfair-labor-practice cases. Summarizes major board decisions and court rulings. Board's budget was \$1.07 million. (115 ILCS 5/5(j); Jan. 2010, 18 pp.)

**Environmental Protection Agency**

*Groundwater Protection Program biennial report, 2008-2009*

Program tested and evaluated 3,828 wells for community water supplies across the state. Available data show 3,604 (94%) of them are safe. Of the 224 (6%) that showed bacterial contamination, 207 have addressed defects or corrected monitoring concerns. The remaining 17 are being evaluated for corrective action. Department of Public Health issued 211 permits for construction, modification, or extension of existing non-community public water supplies. (415 ILCS 55/4; Jan. 2010, 78 pp.)

**Higher Education, Board of**

*Budget recommendations, FY 2010*

Total general fund recommendation for operations and grants was \$2.3 billion. Maximum general fund recommendations for institutions were: U of I, \$778

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## Abstracts of Reports Required to be Filed With General Assembly

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million; community colleges, \$325 million; SIU, \$243 million; NIU, \$113 million; ISU, \$89 million; WIU, \$64 million; EIU, \$53 million; Northeastern, \$43 million; Chicago State, \$43 million; Governors State, \$28 million; and Illinois Math and Science Academy, \$19 million. Recommended total for capital improvements was \$890 million. (110 ILCS 205/8; Feb. 2009, 146 pp. + 2 appendices)

### **Housing Development Authority** *Housing plan, 2009*

Says state must address needs of six underserved priority populations: (1) low-income households; (2) low-income seniors; (3) low-income persons with disabilities; (4) homeless; (5) low- and moderate-income persons unable to afford housing near work or transportation; and (6) low-income persons in danger of losing affordable housing. Activities include: interdepartmental coordination under American Recovery and Reinvestment Act; passage of Homeowner Protection Act; promotion of federal Making Home Affordable program; outreach to more geographic regions through Statewide Mortgage Relief Program; administration of National Foreclosure Mitigation Counseling Program; creation of Illinois HOME START Loan Program; creation of Web-based housing locator for affordable rental housing; and implementation of Equity Replacement Program. (310 ILCS 110/15; undated, rec'd. Jan. 2010, 57 pp.)

### **Human Services Dept.**

#### *Autism program report 2009*

Describes Department's Autism Task Force progress in addressing early intervention services for autistic children; improving family support so people with autism can remain at home; transition services from public schools; and obtaining federal financial participation. Activities include (1) hosting Advancing Futures for Adults with Autism National Town Hall Meeting, (2) continuing operation of a National Institute of Health Autism Center for Excellence, and (3)

near completion of Autism Information Clearinghouse. (20 ILCS 1705/57.5; Jan. 2010, 15 pp.)

#### *Bilingual employees, 2009*

On April 1, 2010, Department of Human Services had 1,074 bilingual employees in 66 divisions. Languages used were Arabic, Braille, Chinese, Hindi, Korean, Polish, Russian, Serbo-Croatian, Spanish, Tagalog, Vietnamese, and manual communication. (5 ILCS 382/3-20; April 2010, 27 pp.)

#### *Child care report, FY 2009*

Department spent \$780.9 million on employment-related child care assistance, helping an average of 90,100 families with 174,500 children. Average monthly payment per child (including subsidy and co-pay) was \$392. Maximum income for a family of three was \$35,208. Among participants, 95.4% are single parents and 52.8% are at or below federal poverty threshold (\$21,204 for a family of four). (20 ILCS 505/5.15; March 2010, 31 pp.)

#### *Emergency Food and Shelter and Supportive Housing programs, FY 2009*

Using public and private shelters, Food and Shelter program provided 2 million nights of shelter, 2.3 million meals, and 1.8 million units of supportive services to homeless persons using about \$8.7 million. Supportive Housing Program provided services to 8,359 persons in 5,626 households, using about \$8.8 million. (305 ILCS 5/12-4.5; March 2010, 20 pp.)

#### *Fetal Alcohol Spectrum Disorders report*

Department, with six other state agencies, held four public hearings. Recommends: (1) coordinating services; (2) developing a statewide training system on prevention and intervention; (3) encouraging agencies to identify methods to improve and expand services; and (4) identifying funding and ways to increase public awareness. (S.J.R. 7 [2009]; Jan. 2010, 12 pp.)

#### *Social Services Block Grant Fund, FY 2010, 2nd quarter*

Receipts were \$20.19 million. Quarterly transfers totaled \$20.16 million: \$12 million to the General Revenue Fund, \$3.05 million to the Special

Purpose Trust Fund, and \$5.1 million to Local Initiative Fund. Ending balance for quarter was \$6.4 million. (305 ILCS 5/12-5; Feb. 2010, 2 pp.)

#### *TANF Program by racial or ethnic group, 2009*

In December 2009, 72,094 persons were getting TANF benefits; 7,589 received exemptions from work requirements; and 781 were participating in post-secondary education. In calendar year 2009, 1,491 persons reached the 60-month lifetime limit on assistance, and 14,501 left due to earned income. (305 ILCS 5/4-23; Dec. 2009, 20 pp.)

#### *WIC food expenditure report 2009*

Women, Infants, and Children (WIC) nutrition program's January-March obligations were \$61.1 million and spending was \$60.6 million; April-June obligations were \$57.8 million and spending was \$57.7 million; July-September obligations were \$64.9 million and spending was \$58.2 million; and October-December obligations were \$65.8 million and spending was \$57.6 million. (20 ILCS 1305/10-25(a); undated, rec'd March 2010, 2 pp.)

### **Judicial Conference**

#### *Annual report 2009*

The annual conference received reports of seven committees. Highlights: Automation and Technology Committee completed review of Disaster Recovery Guide for critical court functions during disasters; Committee on Criminal Law and Probation Administration said "shock incarceration" programs are in direct conflict with principles of evidence-based practices; and Study Committee on Juvenile Justice updated Volume I of *Illinois Juvenile Law Benchmark*. (Ill. Const., art. 6, sec. 17; undated, rec'd Feb. 2010, 8 pp.)

### **Juvenile Justice Dept.**

#### *Quarterly report on population, July 2009*

On May 31, 2009 there were 1,254 youth in all juvenile facilities, below total capacity of 1,754. Ratio of security staff to youth was 0.526. Most youth were single-celled (55%) or double-celled (41%), with approximately 90 square feet of actual living area per each. No capital projects were funded. (730 ILCS 5/3-5-3.1; July 2009, 9 pp.)

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**Labor Dept.***Child Labor Law report, FY 2009*

Department investigated 950 establishments in FY 2009 and cited 485 violations of Child Labor Law; penalties totaled \$9,585. Largest category of violations (36.7%) was for working hours too early or too late in the day. The 14,605 employment certificates issued were 2,204 (13.1%) fewer than in FY 2008. (820 ILCS 205/18.2; undated, rec'd Dec. 2009, 2 pp.)

*Equal Pay Act report, FY 2009*

Department received 70 new complaints and investigated 64 (including some from FY 2008). Three cases had pending court action. Back pay totaling \$95,847 was paid in FY 2009. (820 ILCS 112/50; undated, rec'd Dec. 2009, 3 pp.)

**Law Enforcement Training and Standards Board***Mobile Team Training Units report, FY 2009*

The 16 units trained 44,452 police officers and criminal justice professionals at an average cost of \$188 each. A total of \$8.36 million came from federal, state, and local funds. Units offered 64 Mandatory Firearms courses to 474 officers. Includes 10-year review of state-funded expenditures. (50 ILCS 720/6; Jan. 2010, 12 pp.)

**Legislative Audit Commission***Annual report, 2009*

Commission reviewed 202 compliance and financial reports and 10 performance audits. Accomplishments include support and enactment of laws; review of all emergency purchases by state agencies; Web page maintenance; and publication of revised editions of *Purchasing Laws* and *University Guidelines*. Statewide Single Audit for FY 2008 contained 97 findings and 58 repeated findings. It found that the state's process for compiling information on spending federal funds is inadequate and does not allow timely and accurate reporting. (25 ILCS 150/3; March 2010, 33 pp. + 4 appendices)

**Metropolitan Pier and Exposition Authority***Affirmative Action Plan, FY 2010*

On July 1, 2009, Authority had 2,054

(including part-time and temporary) employees; 470 (22%) were female and 674 (32%) were members of minority groups. Counting each person once in each applicable category, they included 67 (48%) female and 46 (33%) minority officials and administrators; 54 (60%) female and 31 (34%) minority professionals; 5 (17%) female and 9 (32%) minority technicians; 58 (20%) female and 112 (39%) minority protective service workers; 71 (59%) female and 97 (81%) minority paraprofessionals; 115 (77%) female and 95 (63%) minority administrative support and sales workers; 73 (6%) female and 261 (22%) minority skilled workers; and 27 (26%) female and 23 (22%) minority service workers. (70 ILCS 210/23.1(a); July 2009, 20 pp. + 8 exhibits + 10 appendices)

**Minorities, Females, and Persons with Disabilities Business Enterprise Council***Annual report, FY 2009*

About \$742 million (146% of statutory goal) in contracts were made to certified businesses under Business Enterprise Program for Females, Persons with Disabilities and Minorities. Non-minority, women-owned businesses got \$354 million; minority-owned businesses got \$340 million; and businesses owned by disabled persons got \$46 million. Lists 52 agencies' and 9 universities' statutory and targeted goals, and value of contracts under the program. (30 ILCS 575/8f; undated, rec'd March 2010, 25 pp.)

**Property Tax Appeal Board***Annual report 2009*

Lists by county total reduction requests of at least \$100,000, total cases decided, and total change in assessed value for 2001 through 2007 (industrial and commercial appeals only). Board closed 9,951 residential appeals in 2009 compared to 9,223 in 2008. (35 ILCS 200/16-190(b); Feb. 2010, 16 pp.)

**Public Health Dept.***Health and Hazardous Substances Registry, FY 2009*

The Registry prepared and submitted 7 grant proposals; released 4 epidemiologic reports; provided 5 presentations and 64 training workshops; responded

to 120 requests for general information; and answered 81 inquiries about perceived excess cancer in local communities. Tables show data collection, dissemination, presentations, reports, and grants. (410 ILCS 525/8; Nov. 2009, 49 pp.)

*Stroke Task Force report 2008*

The Department had three meetings of the Stroke Task Force; held an educational event with 39 persons at six videoconference locations; sponsored five blood pressure trainings; and updated all fact sheets on its Web site. Illinois CAPTURE Stroke Registry was created to improve care of acute stroke patients in Illinois, with 11,612 entered into the database by June 27, 2008. Task Force did not spend state funds. (20 ILCS 2310/2310-372; undated, rec'd April 2010, 13 pp.)

**Secretary of State***Public Library Capital Needs Assessment, 2009*

Public libraries responding to a survey (499, 78% of total) reported total needs of \$804.5 million for new construction (\$431.3 million), building additions (\$235.7 million), and general repair work (\$137.5 million) for the next 2 years. Seventy-five library buildings are over 100 years old, and 141 are between 51 and 100 years old. (30 ILCS 767/15-60; Dec. 2009, 4 pp.)

**State Fire Marshal***Annual report 2009*

Arson Investigation Division did 1,247 investigations with 303 canine assists, bringing 102 arrests. Office made 46,938 boiler and pressure vessel investigations; wrote 2,260 notices of violation, and did 30 audits of companies licensed to work on pressure equipment. Division of Petroleum and Chemical Safety made 561 field inspections and issued 1,810 notices of violation. Office administered 13,389 firefighter exams and issued 11,020 certifications. Small Equipment Grant program awarded nearly \$500,000 to 25 fire departments. Since inception in 2003, Fire Equipment Exchange Program has donated over 12,000 pieces of equipment to over 175 departments. (50 ILCS 740/13; Feb. 2010, 24 pp.)

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## Abstracts of Reports Required to be Filed With General Assembly

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### State Universities Retirement System (SURS)

*Economic opportunity investments, 2009*

SURS had \$291 million (2.6% of total retirement fund) invested in public equity and fixed-income holdings of 160 public Illinois businesses. Ten Illinois investment managers managed \$2.49 billion (22.5% of the total fund). Fees paid to five Illinois consultants and vendors totaled \$1.5 million. (40 ILCS 5/1A-108.5(c); Aug. 2009, 20 pp.)

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## FIRST READING

A publication of the Legislative Research Unit

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**Jonathan P. Wolff**  
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Composition & Layout

*Minority- or female-owned investment managers, FY 2009*

On June 30, 2009, 19 of SURS' 41 investment management firms (46.3%) were emerging minority- or female-owned firms. They managed \$1.6 billion (14.4%) of its investment portfolio—down 18% from the \$1.97 billion managed in 2008. (40 ILCS 5/1-109.1; Dec. 2009, 14 pp. + 20 appendices)

### State's Attorneys Appellate Prosecutor Annual report, FY 2009

The agency completed 1,753 appellate cases. Local Drug Prosecution Unit helped in 4,603 criminal cases and 1,337 drug asset forfeiture cases. Labor Unit represented 18 counties; Tax Objection Division helped with 27 cases in 14 counties; and Special Prosecution Unit helped with 598 cases in 76 counties. Agency presented four trial advocacy courses, held criminal training seminars, and published annual Illinois Uniform Complaint Book. (725 ILCS 210/4.06; Dec. 2009, 51 pp.)

### Supreme Court

*Court-annexed mandatory arbitration report, FY 2009*

Program began in 1987 and operates in 16 counties. Cases with claims of \$10,000 to \$50,000 are automatically sent to arbitration, except in Cook

County where the range is \$10,000 to \$30,000. The 36,999 arbitration cases in FY 2009 disposed of 26,535 disputes (71%); 10,043 hearings were held, 2,253 awards were accepted, and 5,194 were rejected. Only 578 cases continued to trial. (735 ILCS 5/2-1008A; undated, rec'd March 2010, 47 pp. + 4 appendices)

### Teachers' Retirement System

*Minority investment managers report, FY 2009*


Minority-, women-, disabled-, and veteran-owned firms managed \$3.27 billion (11.3%) of TRS' portfolio in FY 2009. TRS had 19 firms managing 25 portfolios, up 3 firms from FY 2008. Assets managed by the firms decreased \$0.49 billion from FY 2008. (40 ILCS 5/1-109.1(8); Dec. 2009, 8 pp. + 8 exhibits)

### Transportation Dept.

*Rental of right-of-way parcels, FY 2009*

Shows rental of right-of-way parcels pending need for highway construction, with details by county including number of parcels, number with buildings or improvements, and total rent received. A total of 303 parcels (28 with improvements) were rented, bringing \$1.052 million in rent. (605 ILCS 5/4-201.16; Aug. 2009, 4 pp.)

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