

Major Bills Passed by the Illinois General Assembly

This issue of *First Reading* summarizes selected bills as they passed both houses of the General Assembly, and reports on the Governor's actions and legislative responses to vetoes. Although contentious issues took most of the spotlight, a total of 745 bills passed both houses in 2007's extended session. This issue summarizes 291 bills of general interest in 13 categories.

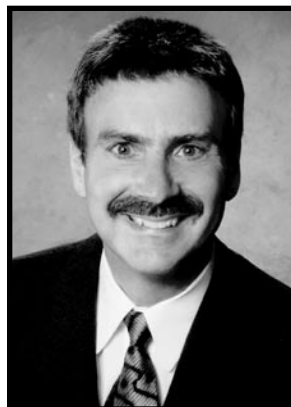
Major bills that passed both houses provide for electric rate relief and reform (including creation of an Illinois Power Agency to plan and generate electricity for the state's needs); state participation in a project to reduce carbon dioxide releases to the atmosphere from coal-fired power plants; banning smoking in almost all enclosed public places; controlling "superbug" infections in hospitals; and supporting stem cell research. Other measures offer relief from rising property tax rates; tighten restrictions on young drivers cited for moving violations; and deny drivers' licenses for, and allow immobilization of vehicles of, persons seriously delinquent on child support.

Page 30 of this issue gives Public Act numbers for bills summarized here that became law, and information on the outcomes of vetoes. Information on all bills of the session is available on the World Wide Web at: www.ilga.gov/

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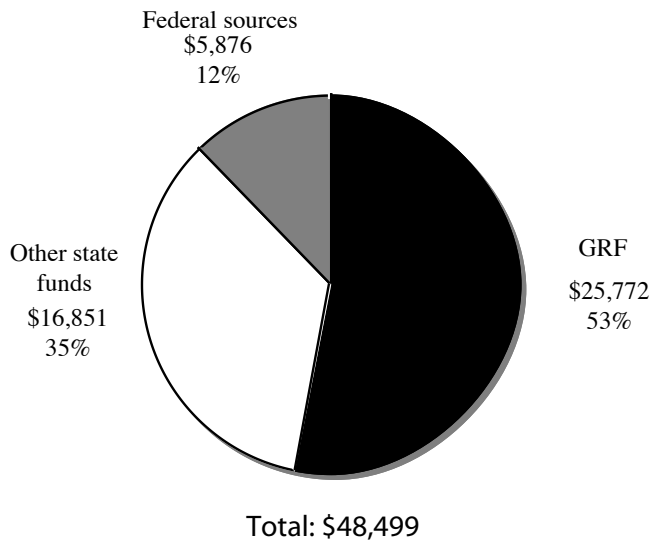
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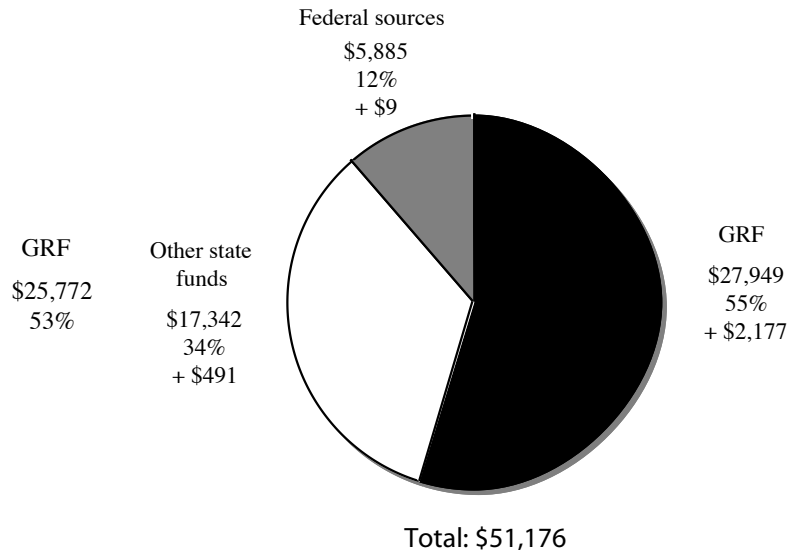
Appropriations & State Budget

House Bill 3866, proposing appropriations for fiscal year 2008, passed both houses on August 10. As passed, it proposed \$51.2 billion in appropriations for fiscal year 2008—up \$2.7 billion (5.5%) from the \$48.5 billion fiscal 2007 budget as originally enacted (before some supplemental appropriations were enacted). Total appropriations from the General Revenue Fund (GRF) were \$27.9 billion, up \$2.2 billion (8.4%) from the fiscal 2007 budget as originally enacted.

FY 2007 budget as originally enacted (millions)



FY 2008 budget as passed in H.B. 3866 (millions)



Of the appropriations proposed by H.B. 3866, GRF appropriations were 54.6% of the total (up 1.5 percentage points over the enacted fiscal 2007 budget); “other state funds” were 33.9% (down 0.9 points); and federal funds were 11.5% (down 0.6 points). Several bills on the fiscal 2008 budget are still pending; a later issue will contain a detailed budget summary. (H.B. 3866, Madigan-Hannig-M.Davis—Trotter-J.Collins-Crotty-Schoenberg)

Note: This is a comparison of the fiscal 2007 budget as originally enacted to this year’s H.B. 3866 as passed by the General Assembly. The fiscal 2007 budget later included supplemental appropriations and capital appropriations. This year’s H.B. 3866 received numerous item and reduction vetoes, but several relatively minor vetoed amounts were restored. □

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Business & Economic Development

The General Assembly voted to implement a major electric rate relief agreement, and to create an Illinois Power Agency to plan procurement of and generate electricity. Other successful bills restrict use of employment eligibility systems to check workers' immigration status; require employers to avoid classifying employees as contractors; protect recipients of gift certificates; and require metals recycling companies to keep more records on sellers. The limit on loans to small businesses owned by disadvantaged persons is doubled, and economic development grants are to be made after considering localities' economic needs and location efficiency.

Development Grant Criteria. In making economic development grants, the Department of Commerce and Economic Opportunity must (1) consider aiming state business incentives to areas with high unemployment or low incomes, and (2) consider whether metropolitan areas where grants are sought meet location efficiency standards (H.B. 407, Flowers-Ford-Graham-Washington et al.—J.Collins-Raoul).

Electric Rate Relief and Reform. An Illinois Power Agency is created as a Code department. It will make electricity procurement plans for investor-owned utilities that had at least 100,000 Illinois electric customers in December 2005, and file them with the Illinois Commerce Commission (ICC). It may also sell bonds through the Illinois Finance Authority; build power plants; and sell electricity to municipal systems, rural electric co-ops, and government aggregators. It may sell excess electricity at wholesale. The Illinois Finance Authority can issue up to \$4 billion of revenue bonds (one-time, not revolving authority) to help fund those power plants.

Utilities covered by the procurement plans must get rising percentages (25% by 2025) of power from renewable sources unless that would raise rates more than stated percentages. They must also file energy efficiency and demand-response plans to lower electric costs, and pay for them (also subject to rate-increase limits) through rates.

Such utilities must get their electricity for customers with fixed-price bundled service under the plans just mentioned, using competitive “request for proposal” methods. A utility serving over 2 million customers may charge residential condo associations no higher than its average residential rates.

Commonwealth Edison will discount residential, nonprofit, and small business power bills by \$488 million in 2007 through 2010. Ameren also will discount electric bills \$488 million over the same period. Service by investor-owned utilities with over 100,000 customers, to customers with peak demand of at least 400,000 watts, is declared competitive, and service to smaller customers may be so declared under procedures in this new act (S.B. 1592, Forby-Haine-J.Sullivan-Clayborne-Demuzio et al.—Scully-B.Mitchell-J.Bradley-Currie-Osterman et al.).

Employee or Contractor? A new Employee Classification Act creates standards for determining whether persons working for construction contractors are employees or contractors, with a presumption that they are employees. Civil penalties can be assessed for improperly classifying employees as contractors. State agencies involved with employment or taxation must share information among themselves on suspected misclassifications (H.B. 1795, Osterman-Flowers et al.—Halvorson-DeLeo-Crotty-Koehler-Raoul et al.).



Employment Eligibility. *General requirements.* Unless federal law requires otherwise, employers may not use an employment eligibility verification system (for checking immigration status), including the federal Basic Pilot Program for Employment Eligibility Confirmation, until the Social Security Administration and Department of Homeland Security databases can make determinations on 99% of tentative nonconfirmation notices within 3 days. Employers enrolling in the Basic Pilot program must attest that they have received basic training materials; their administrators for the program have taken a computer-based tutorial; and specified notices have been posted. An employer enrolling in an employment eligibility verification system must tell job applicants that it may be used for immigration law enforcement, and must safeguard information and access to it. Home rule is pre-empted (H.B. 1744, Soto-M.Davis—Martinez).

Procedural requirements. Employers taking part in the federal Basic Pilot Program must follow its procedures to avoid being charged with civil rights violations (H.B. 1743, Soto et al.—Martinez).

Gift Certificates. No one may sell a gift certificate after 2007 that has (1) an expiration date less than 5 years after issuance or (2) a fee after purchase. The face value of a gift certificate issued after 2007 may not be reduced in

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Civil Law

The General Assembly offered more protections to residents of condominiums and residential associations against wrongdoing by managers; extended protection of whistleblowers to include public employees; and expanded medical professionals' protection against liability for providing emergency care. Persons delinquent at least 90 days in paying child support may be denied drivers' licenses and have their vehicles impounded. Victims of on-line "phishing" can sue for substantial damages. Rights to change locks on rental property for protection against domestic violence are increased. Real estate records may be changed to, and potentially replaced by, electronic versions.

Child Support. The Department of Healthcare and Family Services may certify unpaid support amounts to other state agencies only for persons getting child support enforcement services under the Social Security Act, Title IV, Part D. Persons believed to owe support can have hearings, and may avoid certification by arranging to pay delinquent amounts. No one certified in a judicial or administrative order (including orders from other states) as 90 or more days delinquent in paying support may get or keep a driver's license. The Department may certify past-due child support to municipalities, which by ordinance may authorize immobilization of vehicles of persons who are delinquent (S.B. 1035, Martinez-E.Jones-J.Collins-Ronen—Soto-Bellock-Froehlich-Berrios et al.).

Condominium Managers. Managers for a community association (meaning basically an association of owners of condominium units or similar residences, which is authorized to impose assessments on members) must meet several conditions including lack of a criminal record and not having refused to cooperate with authorities investigating complaints. If a community association covers six or more units, a manager may not have exclusive access to its money unless covered by a sufficient fidelity bond. Managers serving more than one community association must keep separate accounts for each (H.B. 1071, Nekritz-Saviano-Dunkin—Cullerton-Raoul et al.).

Dog Control. A dog found running at large and unsupervised with at

least three other dogs can be deemed a "potentially dangerous dog" (with exceptions for dogs hunting or in places such as dog parks), and must be microchipped and spayed or neutered within 2 weeks after being reclaimed. The burden of proof for determining that a dog is "dangerous" is lowered from clear and convincing evidence to a preponderance of the evidence. The Department of Agriculture may impose administrative fines of \$200 for a first violation of the Animal Welfare Act, \$500 for a second within 3 years, and \$1,000 for a third within 3 years (H.B. 822, J.Mitchell-Mathias-Froehlich-Boland et al.—Harmon-Holmes et al.).

Emergency-Care Liability. The Emergency Medical Services (EMS) Systems Act's protections against liability are expanded to apply to teaching and supervising the use of automated external defibrillators (AEDs) or first aid under recognized standards. AED owners no longer must register them with the local EMS system hospital, but must ensure that any "anticipated rescuer or user" has completed a course in AED use under national standards. Licensed medical professionals who, volunteering without compensation, provide emergency care during and for 10 days after the end of a natural or artificial disaster will be protected from liability except for willful and wanton misconduct (S.B. 404, Demuzio—Osmond).

Human Rights Act. The Act's general definition of "place of public accommodation" is replaced with a list of kinds of establishments covered. It



is not a civil rights violation for a health-care professional, or private professional service provider, to refer or refuse to provide service to a person in a protected class for any non-discriminatory reason if the professional would take the same action regarding a person not in the protected class (S.B. 593, Cullerton-Martinez-J.Collins et al.—Fritchey-Nekritz et al.), **amendatory veto overridden**.

Internet Phishing. Persons harmed by phishing (false representation that a Web site or e-mail message is from a specific business, to induce users to disclose personal information) can sue for (a) an injunction and the greater of \$5,000 or three times actual damages if an individual, or (b) the greater of \$500,000 or actual damages if an Internet service provider, Web site owner, or trademark owner. These damages may be tripled for a pattern of violation. The Attorney General or a state's attorney may sue to enjoin violations and collect a civil penalty up to \$2,500 per violation. Successful plaintiffs may get attorneys' fees (S.B. 137, Silverstein-Hultgren-J.Collins et al.—Mathias-Crespo-Chapa LaVia-Hernandez-Soto et al.).

Land Records. Illinois enacts the Uniform Real Property Electronic Recording Act, allowing county recorders to record and use electronic land records. An Illinois Electronic Recording Commission in the Secretary of State's office will adopt standards for recording electronic documents, and consider ways to make them "resistant to tampering" (S.B. 319, Haine—Mathias-Currie).

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Criminal Law

The General Assembly passed bills to do the following, among many other things: increase penalties for reckless driving in school zones, reckless homicide, and DUI-related crimes; stop mentally troubled persons from acquiring firearms legally; fight several kinds of fraud or crime using the Internet, or identity theft; and impose more serious penalties for creating or sending child pornography. Several bills that passed both houses address registration of, and protection from, sex offenders. Still others add penalties for illegally buying drugs that can be used in making methamphetamine.

Anger Management for Abusers.

Persons convicted or put on supervision for assaulting family or household members, or convicted of domestic battery, may be required to take and pay for anger management classes (H.B. 132, E.Sullivan-Pihos-Crespo-Pritchard et al.—Holmes et al.).

Animal Cruelty. In addition to other penalties for cruelty to pets or animal torture, the court may order the animal forfeited to a shelter, with no one in the offender's household allowed to adopt the animal. The court may also prohibit the convict and persons living with him from owning other animals. Acts related to animal fighting, or harming a police, service, or search and rescue animal are raised from Class A misdemeanors to Class 4 felonies for a first offense, and from a Class 4 felony to a Class 3 felony for a repeat offense. An action barred by the Humane Care for Animals Act, for which no other penalty is provided, will be a Class B misdemeanor for a first offense or a Class 4 felony for a repeat offense (H.B. 3614, E.Sullivan-Chapa La Via-Coulson-Mathias-Verschoore et al.—Althoff-Martinez-Holmes et al.).

Assault or Battery. Private security officers on duty are added to the list of persons against whom assault or battery will be the aggravated offense (H.B. 251, Franks-Tryon—Althoff), as are utility workers on duty (S.B. 1293, Sandoval—Soto-Mathias-Froehlich-Yarbrough-Hernandez et al.).

Battery. Taxi drivers on duty are added to the list of persons against whom battery will automatically be aggravated battery (S.B. 76, Cullerton-J.Collins et al.—M.Davis-Ford).

Child Pornography. Fines. A \$500 fine is added to other penalties for child pornography. Proceeds (minus a 1% fee for the circuit clerk) will go to the local government that investigated the case (H.B. 170, E.Sullivan-Beiser-Pihos-Boland-J.Bradley et al.—Peterson-Murphy-Radogno-Althoff).

Wiretapping to investigate. With the state's attorney's approval in a child pornography investigation, conversations to which a police officer or person directed by law enforcement is a party may be listened to and recorded for up to 48 hours before applying for a court order (H.B. 39, Hassert-Cross-Krause-Pihos-Reboletti et al.—Wilhelmi).

Crime Victim Notification. A prisoner's international transfer or exchange is added to the kinds of release of which the Prisoner Review Board is to inform a victim or other concerned person after written request (H.B. 975, Coladipietro-Ramey-Schmitz-Coulson-Reboletti et al.—Dillard-Martinez).

Crime Victims Compensation Act Deadline. A victim can file a claim within 1 year after indictment of a



person for the crime—or, as under current law, within 2 years after the crime (S.B. 31, Millner—Coladipietro-Ramey et al.).

DNA Evidence. A coroner or medical examiner who finds a death to be homicide must send dried tissue samples from the victim within 45 days to the Department of State Police to be analyzed into genetic marker groupings and kept in its central repository (H.B. 991, D.Brady-Chapa LaVia-Black—Dillard-Millner).

Domestic Violence. Animal protection. A judicially issued order of protection may grant the petitioner custody of an animal owned by the petitioner, respondent, or a minor living with either, and forbid the respondent to move or harm the animal (H.B. 9, Fritchey-Jakobsson-Holbrook-Mendoza et al.—Haime-Harmon et al.).

Murder of past victim. A person committing first-degree murder after a conviction of domestic battery of, or violation of an order of protection for, the same victim can receive an extended sentence (H.B. 900, Mathias—Murphy).

Past acts as evidence. In a domestic violence trial, past domestic violence by the defendant may be heard as evidence if the court finds it more probative than prejudicial. The prosecution must normally disclose before trial that it intends to offer such evidence

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(H.B. 3588, Gordon-Franks-Chapa LaVia-Dugan-May et al.—Harmon-J.Collins-Murphy et al.).

Drive-by Shooting is raised from a Class 4 to a Class 3 felony (H.B. 439, McAuliffe-Wait-Munson-Pihos-Froehlich et al.—Dillard-Althoff-Kotowski-Murphy-Hultgren et al.).

Driving Offenses (except DUI).

Failure to report an accident causing death or injury is raised from a Class 3 to a Class 2 felony if it did not result in death, or from a Class 2 to a Class 1 felony if it did (S.B. 1005, Wilhelm-E.Jones—Hassert-Reboletti).

Reckless driving and children. Reckless driving (usually a Class A misdemeanor) will be a Class 4 felony if it causes bodily harm to a child or a school crossing guard on duty. If it causes great bodily harm or permanent disability or disfigurement to a child or crossing guard on duty, it will be a Class 3 felony. Reckless homicide (usually a Class 3 felony) will be a Class 2 felony punishable by 3-14 years in prison if committed on a street where children go to and from school when a crossing guard is on duty. If 2 or more people are killed, it will be a Class 2 felony punishable by 6-28 years (H.B. 508, Nekritz-May-Hamos-Chapa LaVia-Franks—Garrett-Wilhelmi et al.).

Reckless homicide near school. If a driver unintentionally kills someone in a school zone with children present, or in a construction zone with workers present, the judge or jury may infer that the acts were reckless if the driver was exceeding the speed limit by more than 20 m.p.h. or was committing DUI (S.B. 363, Haime-Sandoval-J.Collins—Hoffman-Mathias-Holbrook et al.).

Reckless homicide sanctions. A person convicted of driving during a period of license revocation that was imposed for reckless homicide commits a Class 4 felony; must do either 30 consecu-

tive days in jail or 300 hours of community service; must be evaluated for possible alcohol or other drug problems and treated if appropriate; may get a restricted driving permit usable only to drive vehicles with breath alcohol interlock devices; and must wait 3 years to apply for a regular license. A person convicted a second time of driving during a license revocation due to reckless homicide commits a Class 2 felony; must be imprisoned at least 3 years; may not get a restricted driving permit; and must wait 5 years after release to apply for a regular license. A person so convicted a third time commits a Class 1 felony, must be imprisoned at least 4 years, and may **never** drive again. If convicted a fourth time, the person may be given an extended prison sentence (15-30 years) (S.B. 533, Dillard-Hultgren-Murphy-Kotowski-Holmes et al.—Dunn-Froehlich-Mathias-Meyer-Pihos et al.).

School crossing protection. Failure to yield the right-of-way to a pedestrian in a crosswalk in a school zone on a school day when children are nearby becomes a petty offense with a fine of at least \$150 for a first offense and at least \$300 for a repeat offense; a \$50 surcharge on each such fine will go to the school district. Violation cannot result in supervision only (S.B. 441, Hultgren-Pankau-Dahl et al.—Mathias-Fortner).

Uninsured driving. Anyone convicted three or more times of uninsured driving, or placed on supervision for uninsured driving, must maintain proof of insurance satisfactory to the Secretary of State for at least 3 years (H.B. 1439, Berrios-Arroyo-Schock et al.—DeLeo-Righter).

Drugged Newborns. If the Department of Children and Family Services receives a report that a drug is illegally present in a newborn's bodily fluid, it must notify the state's attorney where the baby was born (H.B. 3678, Lindner-Franks-Chapa LaVia—Althoff-J.Collins).

Drugs (except meth). *Fentanyl.* Penalties for knowingly making or delivering this narcotic drug, or possession with intent to make or deliver it, are greatly increased. If at least 15 grams are involved it becomes a Class X felony, punishable by 6-60 years in prison (depending on the quantity) and a fine up to \$500,000. If 1-15 grams are involved it becomes a Class 1 felony with a fine up to \$250,000; if less than 1 gram is involved it becomes a Class 2 felony with a fine up to \$200,000. Anyone sentenced for a non-fentanyl drug crime is subject to 3 added years in prison if the substance contains any fentanyl. A person making, delivering, or possessing with intent to deliver over 5 grams of a substance containing fentanyl cannot get probation, periodic imprisonment, or conditional discharge (S.B. 129, Raoul-DeLeo-Hunter et al.—Acevedo-Gordon-Graham-W.Davis-E.Sullivan et al.).

Marijuana. Possessing over 200 cannabis plants is raised from a Class 2 to a Class 1 felony (H.B. 1684, Pihos—Hultgren).

Schools for offenders. State's attorneys may set up drug schools as alternatives to prosecuting nonviolent drug offenders. Each state's attorney can set eligibility criteria for, and choose persons eligible for, the school. Arrest and other records of those completing a school can be sealed or expunged. Schools are to be funded by appropriations to the Department of Human Services, Division of Alcoholism and Substance Abuse (H.B. 2734, Jefferies-Molaro-Golar-Reboletti-Gordon et al.—Cullerton-J.Collins-Raoul-Koehler-Martinez et al.).

DUI. *Ignition interlock device.* Anyone required to operate a vehicle equipped with an ignition interlock device, who drives one not so equipped, will commit a Class A misdemeanor and, if convicted, suffer an additional year of license suspension (S.B. 585, Cullerton-Silverstein—Gordon-Froehlich-Mathias).

Sanctions. Minimum statutory summary suspensions for DUI are doubled, to 6 months for failing a DUI test or 12 months for refusing one. A new driving permit called a “monitoring device driving permit” is created for persons who, because of a DUI violation, must drive only in a vehicle with a breath alcohol interlock device. DUI offenders who before would have received judicial driving permits must get the new permits and have those devices in their vehicles. Drivers who caused death or great bodily harm; were previously convicted of reckless homicide; or are under 18 are ineligible for the new permits. Driving a vehicle lacking an interlock device, if it is required, will be a Class 4 felony with a minimum sentence of 30 days in jail; supervision may not be granted instead (S.B. 300, Cullerton-Silverstein-J.Jones-Righter et al.—Molaro-Brauer-Currie-Froehlich-Mathias et al.).

Eavesdropping Exemption. An exemption is created to the ban on eavesdropping for capturing sounds, along with images, from a “bait car” used by police to catch would-be car thieves (S.B. 97, Haine—Reitz-Sacia-Verschoore-Phelps et al.).

Gang Contact After Release. Knowingly having contact with a gang member, after being ordered by a judge in a non-criminal proceeding not to (added to provisions allowing such orders on release from prison), becomes a Class A misdemeanor (H.B. 270, Wait-Chapa LaVia-Poe-McAuliffe-Reboletti—Hendon).

Gang-Related Driving. A juvenile adjudicated delinquent for an offense related to a gang, involving use of a motor vehicle or of a driver’s license or permit, will be denied a license or permit for a time set by the juvenile court. But the court may allow such a minor, who had a driver’s license or permit, to get a judicial driving permit (H.B. 1080, Fortner-Chapa LaVia et al.—Sandoval-Dillard et al.).

Gun Ownership Qualifications.

Background checks. The Departments of Human Services and State Police will work with the FBI to implement the National Instant Criminal Background Check System. The Department of State Police must report to the System the name, birthdate, and description of anyone prohibited from owning a gun. Public hospitals and mental health facilities (added to private hospitals) must comply with reporting requirements as to disqualification of patients (including outpatients who appear to present a serious danger) for Firearm Owner’s Identification Cards, within 7 (changed from 30) days after they are admitted or provided services (S.B. 940, Kotowski-E.Jones-Hultgren-Schoenberg-Millner et al.—Osterman-Saviano-Graham-Coulson-Arroyo et al.).

Mental illness; fee. An “adjudicated as a mental defective” category is defined and added to the list of disqualifications for a Firearm Owner’s Identification Card. Courts must immediately notify the Department of State Police when anyone receives an adjudication fitting the definition. A Firearm Owner’s card will cost \$10 for 10 years (now \$5 for 5 years) (S.B. 1094, Koehler-E.Jones-J.Sullivan et al.—Reitz-Froehlich-Mathias-Phelps-Verschoore et al.).

Identity Theft. *Gang-related.* The crime becomes aggravated identity theft if done to further gang activities (H.B. 449, Tracy-E.Sullivan-Cole-Munson-Chapa LaVia et al.—Hultgren).

Military victims. Identity theft offenses are raised by one class if the victim is on active military duty (including a National Guard member sent abroad). Committing such crimes against three or more such persons in 12 months will be a Class 1 felony (H.B. 1236, Tracy-Munson-Froehlich-Hassert et al.—J.Jones et al.).

Internet Crimes. *Caller ID fraud.* A new Internet Caller Identification

Act bars a person using voice-over-Internet calling from making someone else’s name or number appear on an Internet caller ID system (to mislead called persons about who is calling them). Violation will be unlawful under the Consumer Fraud and Deceptive Business Practices Act (S.B. 380, Syverson-Silverstein et al.—Mathias et al.).

Gang crimes. As a pilot program through mid-2010, the Department of State Police will support units in the Cook County sheriff’s office and Danville and Round Lake Heights police departments to investigate and fight criminal activities of gangs involving the Internet (S.B. 1014, Bond-E.Jones-Murphy-Frerichs et al.—E.Sullivan-Chapa LaVia-Munson-Cole-Black et al.).

Internet use by sex offender. Conditions of parole, mandatory supervised release, probation, or supervision for a child sex offender may include a ban on using the Internet to communicate with anyone under age 18 except a close relative (H.B. 50, Meyer-Pihos-Jefferson-Boland-J.Bradley et al.—Dillard-Martinez-Murphy-J.Collins et al.).

Soliciting child. Anyone 17 or older who, with intent to commit a sex crime, knowingly discusses sexual contact with a person under 17 through the Internet, will commit indecent solicitation of a child, a Class 4 felony—even without actually soliciting the child to do the acts (H.B. 2858, Cross-Munson-Pihos-Coulson et al.—Wilhelmi-Martinez-J.Collins-Haine-Kotowski et al.).

Juvenile Records Access. Records of police and courts regarding juveniles may not be disclosed to nonparties except by order of a court hearing juvenile matters, after notice to the juvenile’s attorney, guardian *ad litem*, or parent (if the juvenile case related to the records is no longer pending). The court apparently is to give the juvenile’s interest in confidentiality and rehabilitation more weight than the

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movant's interest in obtaining records. Records obtained in a way that violates these new provisions may not be admitted in any judicial proceeding; prevent the (former) juvenile from getting a public office; or prevent receipt of any license or public benefit (H.B. 615, Dunkin-M.Davis et al.—Raoul-Trotter).

License Plates—False Application. Giving false information when applying for vehicle registration will be punishable by a fine of at least \$500. Doing so to get special military plates will bring a fine of at least \$1,000. Proceeds go to the Illinois Military Relief Fund (H.B. 362, Jefferson-Froehlich-Washington-Smith et al.—J.Sullivan).

Liquor. “*Alcopops*” (basically sweetened, flavored alcoholic beverages) may not be advertised, promoted, or marketed to children. Violation will bring a \$500 fine for a first offense and \$1,000 for repeat offense (S.B. 1625, Ronen-Martinez-Garrett-J.Collins-Wilhelmi et al.—Harris-May-Ryg-D.Brady et al.).

Underage parties. The standard for parents to be convicted of allowing their children's friends under age 21 to drink alcohol in their home is raised, by requiring that they “knowingly” allowed such drinking (rather than knowingly enabled it by failing to control access to the home or liquor). But if a violation of this prohibition (normally a Class A misdemeanor) causes great bodily harm or death, the parents can be convicted of a Class 4 felony (S.B. 158, Garrett-Althoff-Kotowski-Sandoval-Martinez et al.—May-Mathias-Froehlich-Ryg-Pihos et al.).

Underaged person—driver sanctions. Local liquor commissioners must report to the Secretary of State any court supervisions (added to convictions) for underaged buying, possession, or drinking of alcohol; and the Secretary

of State may suspend for 3 months the license of any driver put on supervision for such an offense (H.B. 3131, Cross-Hassert-Pihos-D.Brady-Osmond et al.—Holmes-J.Collins-Kotowski et al.).

Luring Minor; Identity Theft. A person over 18 commits the crime of luring a minor by knowingly communicating with a person under 15 with intent to remove the minor from home or another place known to the minor's parent, if the person commits an act furthering that intent; does these things for an unlawful purpose and without express parental consent; and is a stranger to the parents. Defenses include that the accused reasonably believed the minor to be over 15, or was aiding the minor in an emergency. If the offender was 18-21, a first offense is a Class B misdemeanor and a second offense a Class 4 felony; if the offender was at least 21, a first offense is a Class 4 felony and a second offense a Class 3 felony. Penalties are still higher for third or further offenses, or if the offender had a prior sex-crime conviction. Persons imprisoned for repeat luring of a minor will get only 4½ days of good-conduct credit per month served. Anyone convicted of a repeat offense will also be classified as a sexual predator.

Pretending to be a public official or employee to commit identity theft becomes a Class 4 felony (H.B. 1979, Munson-Crespo-Chapa LaVia-Acevedo-Hernandez et al.—Millner-Holmes et al.).

Methamphetamine. *Fake ID to buy drugs.* Using false identification to buy a targeted methamphetamine precursor becomes a Class 4 felony for a first offense, Class 3 for a second, and Class 2 for further offenses (H.B. 174, Tracy-Reis-Eddy-Pihos-J.Bradley et al.—J.Sullivan-Frerichs-Haine-Forby-J.Jones et al., **total veto stands**; S.B. 55, J.Sullivan-Forby-Demuzio-Frerichs et al.—Verschoore-Phelps-Franks-Chapa LaVia-Tracy et al.).

Making meth near church. Making meth within 1,000 feet of a place of worship or parsonage is added to acts that raise the crime to the aggravated form (H.B. 1403, Sacia-Acevedo-Soto-Hernandez-Moffitt et al.—Sieben).

Military Protection. A new aggravating factor that can justify a longer sentence for any felony will be that it was committed against a person the defendant knew or should have known to be on active military duty (S.B. 115, J.Collins-J.Jones—Riley-Chapa LaVia et al.).

Missing Persons. A new Missing Persons Identification Act will require police to take without delay any report of a missing person regardless of age, facts of disappearance, how long missing, relationship between reporter and missing person, or anything else. Agencies must notify the reporter or a family member of efforts to find the person. Requirements are added for procedures to attempt to identify human remains. Duties of the Department of State Police in missing-persons investigations are changed somewhat, and their performance made subject to appropriation (H.B. 194, D.Brady-Black-Pihos-Gordon-Bellock et al.—Hultgren-Holmes et al.).

Prisoner Lawsuits. Repeated petitions for relief under section 2-1401 of the Code of Civil Procedure are added to the kinds of court filings for which a prisoner must pay filing fees and actual court costs if the court finds them frivolous (S.B. 1026, Haine-E.Jones-Meeks—Fritchey).

Sentences. *GED credit.* Releasees who comply with all parole or mandatory supervised release conditions will get a 90-day reduction in parole or mandatory supervised release time if they pass the GED exam during such release (H.B. 1293, Howard-Graham-Yarbrough et al.—Hunter-J.Collins, **total veto stands**; S.B. 1391, Hunter-J.Collins-Lightford—Howard-M.Davis-Soto-Rita-Jefferies et al.).

Gunrunning or drug crimes. Good-conduct credit for prisoners sentenced for gunrunning or many drug-related crimes cannot exceed 7½ days per month (H.B. 1557, Acevedo-Chapa LaVia-Soto-Hernandez-Arroyo et al.—Haine).

Sex Crimes. *Against children.* A new crime of aggravated child pornography is created, consisting of acts involving creating or transmitting actual or simulated pornography involving a person who is, or appears to be, under 13. Violation (except possession of up to three copies of the same recording) will be a Class X felony and can incur prison plus a fine up to \$100,000. To investigate and prosecute child sex crimes, the Attorney General can establish, maintain, and share with agencies elsewhere a database of Internet Protocol addresses that a person who is about to be confined as a sexually dangerous person “may access” from home or work, or otherwise controls (S.B. 697, Wilhelmi-Millner-Holmes-Raoul-Haine et al.—Golar-Crespo-J.Bradley-Beiser et al.).

Child victim records. Parole agents and probation officers are added to the persons who may see names of child victims or alleged victims in law enforcement records of investigations or court proceedings on sex crimes against children (H.B. 572, D.Brady—B.Brady-Dillard).

Juvenile prostitution. The age below which a person will be a “juvenile” prostitute for purposes of crimes related to juvenile prostitution is raised from 16 to 17 (H.B. 1076, Feigenholtz-Molaro-Froehlich-A.Collins et al.—J.Collins-Martinez).

School-related offender records. The Privacy of Child Victims of Sexual Offenses Act (1987) is amended to provide that if a contractor (added to an employee) of a school district is charged with any sex crime (changed from one at school premises or functions), criminal history records on the crime investigation must be sent

to the superintendent immediately (changed from made available for the superintendent’s inspection) (H.B. 3512, D.Brady et al.—Haine-Martinez-B.Brady-J.Collins).

Sex Offenders. *Fines.* An extra \$500 fine is added to any penalty for a sex offense, to support a new Sex Offender Investigation Fund. Of each \$500, \$100 will go to the state’s attorney who prosecuted or the local law enforcement agency that investigated. The rest (minus a \$50 fee to the circuit clerk) will go to the Department of State Police to investigate alleged sex offenses and make grants to local law enforcement for that purpose (H.B. 3586, Flider-Froehlich et al.—F.Watson et al.).

Internet identities disclosure. E-mail addresses and instant messaging and chat-room identities that a sex offender or sexually dangerous or sexually violent person has used or plans to use; URLs registered or used by the person; and blogs and other Internet sites maintained by the person, or to which the person has posted information, are added to the information the person must provide when registering in one of those categories (S.B. 14, Harmon-Maloney-Martinez-Holmes-Kotowski et al.—Cole-J.Bradley-Crespo-Chapa LaVia-Hernandez et al.).

Miscellaneous; meth precursors. Aggravated child pornographers are added to the persons barred from living and/or loitering within 500 feet of schools, public parks containing children, playgrounds or other facilities exclusively for children, or their past victims. Exploitation of a child or predatory criminal sexual assault will bring 6-60 years in prison. Exploitation of a child is added to a list of prior crimes that will raise criminal sexual assault from a Class 1 to a Class X felony. Sex offenders and sexual predators may not possess prescription drugs for erectile dysfunction. In addition to other conditions of release, a sex offender may be required to take an annual polygraph exam; keep a

travel log; and/or have parole officer approval to drive alone. Sex offenders cannot earn good-conduct credit without participating in treatment.

A Task Force on Transitional Housing for Sex Offenders will study the cost and effectiveness of such housing. Sex offenders must pay for electronic home monitoring equipment if the Department of Corrections finds them able to. The time limit for a sex offender to report changes in address, employment, or enrollment is reduced from 5 to 3 days. Public libraries, public housing agencies, social services agencies, and volunteer organizations serving minors are added to the entities that police departments must notify about sex offenders.

Buying or receiving products containing large amounts of ephedrine or pseudoephedrine within 30 days is prohibited, with violation ranging from a Class B misdemeanor for 7,501 milligrams to a Class 1 felony for 37,501 milligrams; prior convictions will also raise the penalty. A pilot program in the Williamson County Sheriff’s office will track buying of methamphetamine precursors there and in nearby counties. Pharmacies electing to participate can send records of such sales through a secure Web site to a central repository. Transaction records will be deleted after 24 months (S.B. 1397, Harmon-Link-Haine-J.Collins et al.—Graham-J.Bradley-Beiser-Crespo et al.).

Notice to libraries. Local police must send basic information on all sex offenders and other violent offenders against youth to local libraries (S.B. 364, Hultgren-Pankau-Kotowski et al.—Reboletti-Cross-Cole-Black-Eddy et al.).

Registration termination. Sex offenders who were adjudicated as delinquent minors may petition courts to end the registration requirement after they have been registered for 5 years for offenses that are felonies for adults, or 2 years for misdemeanors.

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Criminal Law

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A long list of criteria for courts to consider in deciding such petitions is given. Minors prosecuted as adults are excluded. (A mostly similar bill was vetoed last year) (S.B. 121, Raoul-Martinez-Noland-J.Collins-Trotter et al.—Brosnahan-A.Collins-Fritchey-Jefferies et al.), **veto overridden**.

Registration time—tolling. An offender who is required to register for 10 years, but is reconfined for a parole violation or other reason unrelated to the original conviction, cannot count the time of reconfinement toward the 10 years (S.B. 1509, Raoul—Gordon).

Repeat offenses. Anyone who is required to register as a sex offender, or as a child murderer or violent offender against youth, after being previously required to register in either of those categories, must register for life except while confined to an institution (H.B. 3382, Verschoore-Fritchey-Franks-Chapa LaVia—Wilhelmi et al.).

School visits. A provision allowing child sex offenders to enter schools to vote is deleted; they can instead vote early or as absentees. They are also prohibited from knowingly being within 100 feet of a school bus pickup or dropoff point while a person under 18 is there (H.B. 263, Osmond-Coulson-Eddy-Crespo-Ramey et al.—Link-Dillard).

Work at fairs. A child sex offender may not operate, manage, or be employed or associated with a county fair while persons under 18 are present (H.B. 156, Reis-Cross-Pihos-Bellock et al.—Hultgren-J.Jones et al.).

Stalking. Putting an electronic tracking device on a person or the person's property is added to a list of actions that constitute placing a person under surveillance—an element of the crime

of stalking (H.B. 6, Nekritz-Gordon-Chapa LaVia-Berrios-Soto et al.—Wilhelmi-J.Collins-Holmes et al.).

Trials. *Death-penalty records; taping interrogations; testing old evidence; armed violence.* If money is appropriated, the Illinois Criminal Justice Information Authority will set up a Capital Crimes Database, which will receive from various public agencies “all information” on the prosecution and disposition of cases in which the death penalty was possible. If money is appropriated, the Illinois Law Enforcement Training Standards Board will issue guidelines for recording interrogations in homicide investigations. A person convicted of a crime in the past may ask the court for ballistic testing of evidence that was gathered for trial but not so tested; and may seek various kinds of testing of evidence that was tested for trial but can now be tested by more probative methods.

To correct a constitutional problem, the crime of armed violence no longer includes the following crimes committed while armed with a dangerous weapon: second-degree murder; involuntary manslaughter; reckless homicide; or any crime for which possession or use of a dangerous weapon is an element, an aggravating factor, or a factor mandatorily increasing the sentence (S.B. 1023, Cullerton-E.Jones-Dillard—Turner-Currie-Gordon).

Hearings by TV. A section now generally allowing a jailed defendant to take part in pre- or post-trial proceedings by closed-circuit television is replaced with more specific authority to use audiovisual communications (apparently including Internet teleconferencing) for hearings on specified kinds of non-trial matters, if the defendant can also communicate with counsel using a secure line (S.B. 265, Trotter et al.—Howard-Gordon-Colvin).

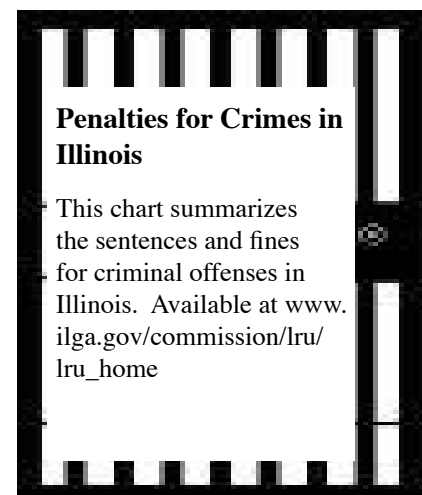
Vandalism. Lack of consent by the owner of property to its damage or destruction is removed as an element of the crimes of criminal damage to or defacement of property, and replaced by making such consent an affirmative defense (H.B. 977, Fritchey-Golar-Berrios-Arroyo et al.—Sandoval).

Video Games. It will not constitute gambling to offer prizes in an electronic video game contest that involves skill or knowledge more than chance (H.B. 1124, Molaro-Boland—Haine et al.), **vetoed**.

Video Recording Ban. *Rented residences.* In a section prohibiting unauthorized video recording in, or transmission from, another's “residence,” that term is defined to include a rental dwelling but to exclude stairwells, corridors, laundry rooms, and other public areas (H.B. 3766, Fortner-Kosel-Cultra—Hultgren).

Penalty increase. Recording or transmitting video images of a person in a restroom, tanning bed, tanning salon, locker room, changing room, or hotel bedroom without consent is raised from a Class A misdemeanor to a Class 4 felony (S.B. 273, Hultgren-Pankau-J.Jones-Kotowski et al.—Mathias-Fortner-Pihos-Meyer-Cole et al.). □

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Education

Elementary & Secondary

Bills that passed both houses will create a statewide council for comprehensive planning for education from pre-kindergarten through post-graduate years, and of students' transition to work; it will make recommendation for implementation. Schools may teach students about the dangers of drinking and driving, and ways to resist gang influences. School districts will be restricted in contracting for services now being provided by non-teaching employees. Observing a moment of silence in school is mandatory.

Agriculture Teacher Training. If funds are appropriated, the State Board of Education must promote training and development of agriculture science teachers, starting in high schools and continuing in public universities and community colleges (H.B. 1922, Moffitt-Smith-Sacia-Flowers-Myers et al.—J.Sullivan-Burzynski et al.).

Biometric Data on students may be obtained and used only with parental consent (or that of the student if at least 18), and only for identification and/or fraud prevention. No services may be withheld for refusing consent. The information must be destroyed when the student graduates (H.B. 1559, Pritchard—Lightford et al.), **total veto stands.**

Bullying. Every school must adopt a bullying policy and file it with the State Board, communicate it to students and parents annually, and update it every 2 years. The State Board will monitor implementation of policies (H.B. 18, Lang-M.Davis-Ford-Hernandez-Jefferies et al.—Lightford-Hunter-J.Collins).

Buses. *No child left aboard.* By January 2008, each district must require each driver to check the bus before leaving so no child is left on or under a seat (S.B. 166, Radogno-Silverstein-Peterson—Cole-Mathias-Pihos-Munson-Bellock et al.).

Safe driving. Each school bus must display a phone number for reporting erratic driving; bus owners must take and investigate any complaints and report back to complainants (H.B. 3624, Lang-May-Chapa LaVia-Joyce et al.—Silverstein).

Child Abuse Reporters. Members of school boards and governing bodies of private schools are added to the list of persons mandated to report suspected child abuse—but only if it is alleged during a board meeting (S.B. 1428, Sandoval—Hernandez-Chapa LaVia-M.Davis-Acevedo et al.).

Early Taking of High School Courses. High school and unit districts may allow 7th and 8th grade students to take courses required for high school graduation, if space is available. The courses will be treated on the students' records as if taken in high school (S.B. 424, Delgado-Cronin-Maloney et al.—Winters-Pritchard).

Educational Planning. The joint Education Committee (consisting of members of state educational governing bodies and a workforce development council) is replaced with an Illinois P-20 (pre-kindergarten to grade 20) Council. It will be chaired by the Governor or a designee and have 34 other members: 4 legislators; 22 people from educational, business, civic, governmental, union, and non-profit bodies; and the heads of several Illinois educational or workforce development agencies as nonvoting



members. It will make recommendations to improve the integration of all levels of education and the transition of students into employment, and project the costs of implementing its recommendations (H.B. 1648, J.Mitchell-Pritchard-Cross-Fortner-Pihos et al.—Demuzio-Garrett-Maloney-Wilhelmi-Althoff).

Employees. *Contracting for services.* A school board can contract for non-teaching services now done by its employees only in the following conditions: the contract can take effect only when the current union agreement with those employees expires; the contractor must provide a “benefits package” comparable to what the school employees are getting, and provide details on their pay, criminal history records, and other information; the board must hold a public hearing and compare bids with current costs; and available jobs with the contractor must be offered to employees whose jobs will be replaced. A school district is exempt from these new requirements as to services already being done for it under contract (H.B. 1347, Hannig-Beiser-Washington-Colvin-Brauer et al.—Harmon-Schoenberg-Holmes-Kotowski-Hunter et al.).

Non-teacher certification. Starting July 2008, renewal requirements for “school service personnel” (such as counselors and nurses) will become similar to those for teachers. Their certificates will last 5 years, with

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Environment & Conservation

The General Assembly voted to help schools develop renewable energy sources and require future school building projects to meet standards for “green” buildings. Grants and standards will help promote “green” planning by state and local governments also. The state endorses and plans to participate in a project to burn coal cleanly and pump its carbon dioxide underground. The University of Illinois at Chicago is to study the feasibility of a program of biomonitoring for environmental contaminants. The Department of Agriculture will regulate firewood imports into Illinois for insect pests.

Brucellosis. An animal is to be classified as a “reactor” (affecting quarantining and other matters) only if a positive result on an official brucellosis test is confirmed by a brucellosis expert chosen by the state and U.S.D.A. An animal testing positive at a livestock market may be killed or returned to its herd only by permit, and must be quarantined for further evaluation (H.B. 1020, Reitz—J.Sullivan; S.B. 557, J.Sullivan-Righter et al.—Reitz-Black-Phelps-Verschoore-Sacia).

Burning of Vegetation. Vegetative overgrowth on private land may, with the owner’s consent, be burned in a controlled manner under supervision of a person certified as a “prescribed burn manager” by a program supervised by the Department of Natural Resources (DNR). The local fire department or emergency dispatcher must be notified on the day of the burn, and a reasonable attempt made to notify neighbors in advance (H.B. 1638, Mathias-Moffitt-May-Winters-Froehlich et al.—Frerichs-Bomke-Crotty-Risinger-Garrett et al.).

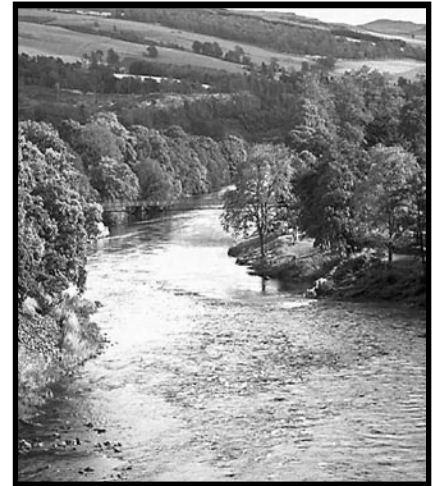
Dam Safety. DNR is to examine dams that are in public waters but not under federal safety regulation. It must by regulation set specifications for signs and devices to warn of such dams, and require safety devices at each one. It may also create exclusion zones around dams, with violation a Class A misdemeanor (H.B. 33, Cross-Lindner-Hassert-Pihos-Black et al.—Wilhelmi-Holmes).

Electric Energy. Net metering. The Illinois Commerce Commission must issue standards for net metering (which allows retail electric customers that generate power primarily for their own use to reduce their electric costs by selling excess power to the electric utility). Electric providers (municipal utilities and electric cooperatives apparently are exempt) must begin offering net metering by April 1, 2008. A provider need not offer net metering to customers with combined “load” exceeding 1% of its peak demand in the last year, and each provider will be limited to 200 new net-metered customers (if their capacity is no more than 40 kilowatts each) in the first year (S.B. 680, Bond-Noland-Kotowski-Frerichs-Harmon et al.—Osmond-Bost-Munson-Pihos-Jakobsson).

Renewable-energy grants. If money is appropriated, the Department of Commerce and Economic Opportunity may offer grants to school districts for half the cost of renewable energy projects, up to \$1 million per grant (H.B. 285, J.Mitchell-Reis-Eddy-Holbrook-Froehlich et al.—Noland-Sieben-Kotowski-J.Collins et al.).

Wind farms. School districts may operate wind farms and seek aid from state agencies to finance them (S.B. 843, Noland-E.Jones-Risinger-J.Collins-Millner—Moffitt-Biggins-Holbrook-Eddy-Mautino et al.).

Emerald Ash Borer Loan Program. The Illinois Finance Authority will offer emerald ash borer revolving loans at low or zero interest to units of local



government to replant trees on public lands in designated ash borer quarantine areas. No loan may exceed \$5 million per local government or last over 20 years (S.B. 1617, Schoenberg-Noland-Kotowski-Garrett-Holmes et al.—Hamos-Chapa LaVia-Coulson-Nekritz-Krause et al.).

Fish Species Protection. Capturing or dealing in species protected by the Fish and Aquatic Life Code will be a Class 4 felony if the total value involved within 90 days is at least \$300, or a Class A misdemeanor if the total value is under \$300 (already a Class 3 felony if the value involved at one time exceeds \$300). Minimum amounts at which some kinds of fish are to be valued are established or increased—including \$150 per endangered or threatened fish. Commercial fishers must get commercial roe (unlaid egg) harvest permits to take roe-bearing species with commercial devices, and commercial roe dealers must have permits for their activities. Several kinds of dealers in fish must keep accurate records of their buying and selling and keep them available to police and authorized DNR personnel (H.B. 1833, J.Watson-Myers—Demuzio).

Fuels. Ethanol research. If an appropriation is made, the Illinois Ethanol Research Advisory Board will operate a National Corn-to-Ethanol Research Center at Southern University of Illinois—Edwardsville. It will promote

renewable energy, provide training and services to students and the ethanol industry, and seek additional funding sources (H.B. 1313, Hoffman-Bost-Washington-Verschoore-Smith et al.—Haine-Demuzio-J.Jones-Sieben-J.Sullivan et al.).

Firewood importation. The Department of Agriculture must regulate firewood imports into Illinois, with special attention to controlling insect infestation (notably the emerald ash borer) (S.B. 550, Dillard-Millner-Kotowski et al.—Mathias-Pihos).

Fuel labeling. Pumps dispensing biodiesel or biodiesel-blend motor fuel must be labeled with a capital “B” followed by the percentage of biodiesel content (such as “B10” for 10% biodiesel) (S.B. 649, J.Sullivan et al.—Tracy et al.).

FutureGen Project. The state will work with this public-private partnership to build and run a coal-fired power plant in either Tuscola or Mattoon using clean coal technology and carbon dioxide capture and storage. The state must receive title to the carbon dioxide and other gases to be injected underground; they will not be removed except for research. The state will grant all needed permits to the operator (S.B. 1704, Forby-Righter-Noland-F.Watson et al.—Granberg-Rose-Black-J.Bradley-Hoffman et al.).

Green Government. A Green Governments Coordinating Council, chaired by the Lieutenant Governor, will set long-term environmental goals for Illinois and serve as a resource for state and local government. State agencies must submit environmental sustainability plans to it by November 2007. State agencies, and units of local government and schools that choose to participate, will submit annual reports to the Council (S.B. 46, Garrett-Althoff-J.Collins-Halvorson-Koehler et al.—Nekritz-Cole-May-Mathias-Riley et al.), **amendatory veto overridden.**

Green Grants. The Department of Commerce and Economic Opportunity may annually make up to 3 Green Neighborhood Award Grants to private developments (including no more than 1 to Chicago) that are nationally certified under the Leadership in Energy and Environmental Design for Neighborhood Development green building and sensible growth standards. Each grant may pay up to 1.5% of project costs (S.B. 135, Cullerton-J.Collins-Garrett et al.—Gordon-Franks-Chapa LaVia-May-Hamos et al.).

Green Schools. School districts applying for future state construction grants must get their projects certified by one of two national green building rating systems, or meet Capital Development Board green-building standards (S.B. 505, Cullerton-J.Collins-Holmes-Garrett-Schoenberg et al.—Winters-Smith-Fortner-Coulson et al.).

Greenhouse Gases. Any unit of local government may seek technical help from the Illinois EPA to inventory its greenhouse gas emissions and determine how much they could be reduced by measures under consideration. If the local government endorses the U.S. Conference of Mayors’ Climate Protection Agreement, and develops a plan to reduce such emissions to 93% of 1990 levels by 2012, it can request designation as an Illinois Cool City (S.B. 1242, Holmes-Martinez-Kotowski-J.Collins-Trotter et al.—Cross-Mathias-Cole-Fritchey-Winters et al.).

Horsemeat Ban. Slaughter of horses for human consumption is banned. No one may possess, import, export from Illinois, sell, buy, or give horse meat for human consumption (H.B. 1711, Molaro-Fritchey-Coulson et al.—Cullerton-Althoff-Harmon-J.Collins-Trotter et al.).

Hunting, etc. Deer control. If a local government does a scientific study, approved by DNR and taking at least 4 years, showing that a non-lethal method can manage deer populations

successfully, DNR must allow the local government to use that method at its own expense but report annually to DNR on deer populations. This permission will sunset at the end of 2013 (H.B. 3425, May-Feigenholtz-Coulson-Mathias—Garrett).

Pursuit using dogs. DNR may issue a “hound running” permit to an applicant who controls a tract of land meeting requirements of this amendatory act and DNR regulations. On such tracts, dogs may be allowed to chase coyotes, foxes, rabbits, and raccoons in a way not designed to capture or kill them. The pursued animals must be tagged and checked yearly by a veterinarian (H.B. 297, Reis—J.Jones).

Remote shooting. It will be a Class A misdemeanor to provide any software or service that would allow users to kill wildlife by remotely operating a weapon, and a Class B misdemeanor to use such software or service (H.B. 201, Reitz-Holbrook-Moffitt-Mendoza-Phelps et al.—Sieben et al.; S.B. 518, Cullerton-J.Jones et al.—Reitz-Phelps-Verschoore-Moffitt-Holbrook et al., **total veto stands**).

Pollution Prevention. Bag recycling. Subject to appropriation, an 11-member Plastic Bag Recycling Task Force will supervise a voluntary plastic bag recycling program for large retailers in Lake County, reporting to the Governor and General Assembly in 2010 (S.B. 303, Link et al.—Ryg-Cole-May-Jakobsson-Pritchard et al.).

Biomonitoring study. The University of Illinois at Chicago’s Great Lakes Center for Occupational and Environmental Safety and Health is to do an environmental contaminant biomonitoring feasibility study to propose a way to establish an Illinois Environmental Contaminant Biomonitoring Program. The Illinois EPA and Department of Public Health will name an 11-member Scientific Guidance Panel to make recommendations for

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Health & Safety

The General Assembly voted to replace the Illinois Clean Indoor Air Act with a measure banning smoking in nearly all indoor places except private residences; require medical facilities to have procedures to prevent or control "superbug" infections; encourage wider testing for HIV infection; and promote the use of electronic medical records with some safeguards. A grant program will support stem cell research at state medical research institutions. Private and (subject to appropriation) public health coverage will pay for human papillomavirus vaccine to help prevent cervical cancer.

Birth Centers. Up to 10 birth centers may be established in the alternative health care delivery demonstration program. Each center must be dedicated solely to providing child-birth-related services, and can have no more than 10 beds. They must offer prenatal care and education services. An obstetrician, family practitioner, or midwife must attend each patient from admission until birth and through the immediate postpartum period. No surgery or general anesthesia may be used (S.B. 264, Cullerton-Martinez-Sandoval-J.Collins-Harmon et al.—Hamos-Currie-Coulson-Chapa LaVia-Feigenholtz et al.).

Blood Donation. State employees may take up to 1 hour *or more* (added) to donate blood and up to 2 hours *or more* (added) to donate platelets (H.B. 411, Beiser-Rita-Boland-Brauer et al.—Haine-Maloney-Crotty et al.).

Comprehensive Health Insurance Plan. The lifetime coverage limit is to rise to \$2 million per person for the next 3 years, then revert to \$1.5 million (S.B. 144, Garrett—Lang-May-Currie et al.).

Diabetes Control. The Department of Human Services (DHS), along with the Illinois State Diabetes Commission (to be appointed and chaired by the DHS Secretary), must develop a strategic plan to reduce the incidence of diabetes due to obesity and similar factors. DHS will (1) identify barriers to effective screening and treatment; (2) review medical therapies and clinical practices; (3) review diabetes control medicines; (4) review Illinois' screening, treatment, and related

activities; (5) identify actions to be taken; and (6) make recommendations to the Governor and General Assembly by the end of 2008 (S.B. 654, Hunter-J.Collins-Martinez-Delgado et al.—W.Davis-Coulson-Cross-Rita-Jefferies et al.).

Explosives Control. Sellers of ammonium nitrate (used as a soil fertilizer) must make and keep for at least 2 years records of the (1) date of sale; (2) amount sold; and (3) buyer's name, address, phone number, and number of driver's license or other photo ID approved for this purpose by the Director of Agriculture. Retailers are assured that they may refuse to sell ammonium nitrate to anyone (1) out of season; (2) in unusual amounts; or (3) in suspect purchase patterns (H.B. 1741, Eddy-Black et al.—Righter).

Firefighting Grants. The State Fire Marshal will make grants to fire departments and fire protection districts to buy firefighting equipment (except fire engines and other large items). Grants will be funded by \$480,000 per month from existing cigarette tax revenues (H.B. 1921, Moffitt-Smith-Black-Holbrook-Bost et al.—Haine et al.), **vetoed**.

Health Facilities Planning. The scheduled repeal of the Illinois Health Facilities Planning Act was delayed from April 1 to May 31, 2007 (S.B. 611, Garrett-Wilhelmi-J.Collins et al.—Dugan-Washington-Black-McGuire-Gordon et al.).

Health Insurance Mandates. *Breast exams (manual).* Health insurers, HMOs, and Medicaid must pay for



clinical exams to detect breast cancer at least every 3 years between ages 20 and 40, and annually thereafter. The Illinois Department of Public Health (IDPH) must include information on benefits of such exams in its written summary of methods for early detection and diagnosis of breast cancer, and address benefits of early detection and tell patients that insurers must pay for exams (H.B. 147, Harris-Crespo-Chapa LaVia-Jefferies-Nekritz et al.—Koehler-Sandoval-Althoff-Garrett-Crotty et al.).

Breast exams (ultrasound). Required coverage by health insurers and HMOs for mammography screening must include ultrasound screening if a doctor finds it necessary based on an X-ray mammogram (S.B. 1365, Kotowski-Forby-J.Sullivan-Holmes-J.Collins et al.—Cole-Coulson-Tracy-Reboletti-Schock et al.).

Drug-use disqualification. After January 1, 2008, a group or individual policy of accident or health insurance, or managed care plan, may not deny coverage for treatment needed because an injury was suffered while drunk or drugged (S.B. 21, Cullerton—Mautino).

Papillomavirus vaccine. Health insurers, HMOs, managed-care plans, and similar entities must pay for federally approved human papillomavirus (HPV) vaccine. If funds are appropriated, IDPH will have a program to pay for HPV vaccinations of girls under 18 if not otherwise covered for the vaccines. Each child must have a health examination on entering the 6th (changed from 5th) grade. IDPH must provide female students entering 6th

grade and their parents written information on the link between HPV and cervical cancer, and the availability of an HPV vaccine (S.B. 937, Halvorson-E.Jones-Meeks—Coulson-Jakobsson-Chapa LaVia-Bellock-Feigenholtz et al.).

HIV. Lottery game. The State Lottery will offer an instant scratch-off game to fund HIV/AIDS prevention and treatment programs. A Quality of Life Board will advise IDPH on making grants with the proceeds (S.B. 774, J.Collins-E.Jones-Hunter-Lightford-Raoul et al.—Yarbrough-Howard-Soto-Harris-Washington et al.).

Prenatal testing. A medical professional or facility caring for a pregnant woman must provide her with HIV counseling and an HIV test unless she refuses in writing. Any medical facility caring for a newborn of a woman known to have HIV must report to IDPH a case of perinatal HIV exposure, but the report must be deleted if the child is later found not to have HIV (H.B. 1759, Flowers-Ford et al.—J.Collins-Trotter-Ronen-Hunter-Lightford et al.), **amendatorily vetoed**.

Presumed consent for testing. Consent to HIV testing may be oral or written (instead of only written). Information required to be given before testing may be provided orally, electronically, or in writing. Medical providers can provide opt-out HIV testing in which patients are tested unless, after being informed that they are to be tested, they decline. Results may be delivered only to the test subject or an authorized representative, in person if possible. A patient with a positive test must receive referrals for counseling and care. IDPH must provide training, technical assistance, and outreach to implement routine HIV testing in health care (S.B. 929, Ronen-E.Jones-Garrett-Lightford-Martinez et al.—Ford-Flowers-Harris-A.Collins-Howard et al.).

Long-Term Care. A new Long-Term Care Partnership Program (replacing a little-used one authorized by an older law) will be administered by the Department of Healthcare and Family

Services, aided by the Department of Financial and Professional Regulation. The purpose is to allow people to buy insurance for long-term care in a way that protects some of their assets while they live, even if they need to go on Medicaid for long-term care (H.B. 517, Krause-Mautino-Osmond-D.Brady-Holbrook et al.—Kotowski-Syverson-Haine et al.).

Meat Safety. Each custom slaughtering and processing establishment must develop and enforce written sanitation procedures, to be verified for adequacy and effectiveness by the Department of Agriculture. An establishment that slaughters livestock and/or poultry must test for *E. coli* level on one animal per week, from each June 1 until it has tested 13 animals since the most recent June 1.

The Department of Agriculture's powers are expanded to include investigating animal exposure to harmful chemical or radioactive substances. It may issue an area-wide quarantine of animals and premises, and order animal slaughter, to control such threats or to control animal infections (H.B. 1019, Reitz-Reis—J.Sullivan et al.).

Medical Records—Electronic. IDPH will establish a nonprofit corporation (called the Illinois Health Information Network or ILHIN) to promote use of electronic medical records with some safeguards. Its board will have 27 public members appointed by the Governor with Senate confirmation, plus three state agency directors and one regional federal official serving *ex officio*. By 2015, each state agency implementing or upgrading systems for exchanging health information must use systems and products meeting ILHIN standards (H.B. 1254, Hamos-Schock-Schmitz-Leitch-Coulson et al.—Haine-Radogno-Martinez et al.), **amendatorily vetoed**.

Mental Treatment. Electroshock. An adult recipient of services, or the recipient's guardian *ad litem* if any, is explicitly given, and must be informed of, a right to refuse electroconvulsive therapy (subject to an existing exception for short-term treatment if the

patient is a threat to self or others). A court may appoint a guardian *ad litem* for a recipient who is before the court, to monitor treatment and compliance with court orders on electroconvulsive therapy or psychotropic medication (H.B. 3455, Bellock—Garrett).

Involuntary admission. The threshold for involuntary admission of mentally ill persons is lowered to include those who are reasonably expected to engage in threatening behavior that would put another person in reasonable expectation of being harmed, and those who, without assistance, may not be able to provide for their physical needs to avoid serious harm to themselves (S.B. 234, Righter-Althoff-F.Watson—Leitch-Lindner-Colvin-M.Davis-Bellock et al.).

Mercury. Instruments. Sales and distribution of 10 kinds of mercury-added products (mostly medical instruments or fluid meters) is banned on July 1, 2008. This will not apply if use of such a product is federally required, or the only mercury added to a product is in a button cell. Makers may apply to the Illinois EPA for exemption based on comparing public benefits to risks (H.B. 943, May-Hamos-Nekritz-Coulson-Froehlich et al.—Hunter-J.Collins-Sandoval-Garrett et al.).

Thermostats containing mercury are banned for sale, except for industrial use, after mid-2008 (S.B. 1241, Hunter-Harmon-Ronen-Garrett et al.—May-Bellock-Mathias-Nekritz-Winters et al.).

Vaccines. IDPH must adopt a policy to prefer flu vaccine with no, or only trace amounts of, thimerosal for children under 3 in Illinois' Vaccines for Children program. (Thimerosal is a preservative containing mercury, used in some vaccines.) In some emergencies, IDPH must remind medical providers to prefer thimerosal-free or nearly thimerosal-free flu vaccine to children under 3. Neither preference may impede the supply of flu vaccine to medical providers (S.B. 133, Garrett-Althoff et al.—Granberg-Bellock-Coulson-Froehlich).

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Education

(continued from p. 11)

renewal requiring either 80 continuing professional development units or certification by, or licensing from, a state or national board. The 80 units may be earned in any of 10 listed activities (H.B. 1647, Pihos-Chapa LaVia-Pritchard-J.Mitchell-Coulson et al.—Cronin-Maloney et al.).

Parental leave. In non-Chicago districts, school employees may use sick leave for birth, adoption, or placement for adoption (H.B. 1877, Sommer-Franks-Chapa LaVia—Garrett-Althoff-J.Collins).

Reduction in hours. If an educational support employee's hours are reduced due to program cuts, the employee must be given 30 days' notice (or 5 days' if caused by an unforeseen enrollment decline) (S.B. 1560, Demuzio-Garrett—Hannig-Beiser et al.).

Eye Exams must be obtained by all students first entering school after 2007, unless waived due to lack of access to an optometrist or a physician who gives eye exams. A child cannot be excluded for lack of an exam, but the school may "hold" the child's report card (S.B. 641, Demuzio-J.Collins-Sandoval-Raoul—Tracy-Pihos-Chapa LaVia-Schock et al.), **amendatory veto overridden.**

Facility Use. Districts are encouraged to allow community groups to use their facilities. But a district doing so must have a policy against such use if it interferes with school functions or student and staff safety, or affects district property or liability (S.B. 538, Raoul—W.Davis-Yarbrough et al.).

Instructional Subjects. *Drinking and driving.* Schools are authorized to address the effects of drinking and driving in their safety education (H.B. 3327, Beaubien-Cross-Eddy-Pihos-Hassert et al.—Holmes-J.Collins-Kotowski et al.).

Gangs. School districts may develop gang resistance education in collaboration with state and local police (H.B. 438, Pritchard-Poe-E.Sullivan-Fortner-Coulson et al.—Burzynski-Holmes-J.Collins-Raoul-Trotter et al.).

Physical education. A district's waiver from, or modification of, physical education mandates may last only 2 years at a time and be renewed no more than twice (H.B. 1839, Joyce-Bellock-McCarthy-M.Davis et al.—Delgado-Althoff-Hunter).

Lifesaver Training. If funds are appropriated and while they last, the State Board will have a program to pay half the cost of CPR or AED training for school staffs (H.B. 258, Smith-Gordon-Dugan-Jakobsson et al.—Koehler et al.).

Moment of Silence. The verb "may" is changed to "shall" in the section saying each teacher is to observe a time of silence at the start of each school day (S.B. 1463, Lightford-Meeks-J.Collins-Martinez et al.—W.Davis-Reis-Crespo-Ford-M.Davis), **veto overridden.**

Partial School Days. If, after providing at least 1 hour of instruction, a school must dismiss students due to a condition beyond its control, it may count it as a full day (added to other conditions in which that can be done) (H.B. 1910, Pritchard-Reis—Garrett).

Private-School Background Checks. A private school may not obtain optional "non-public school recognition" unless it requires all applicants to authorize criminal history background checks, and does such a check on each applicant. A recognized school's employees, and contractors having direct contact with students, may not have been convicted of sex or drug offenses listed in this amendatory act. All information from criminal records checks must be kept confidential (S.B. 143, J.Collins-Maloney-Martinez-Lauzen-Trotter et al.—Brosnahan-Joyce-McCarthy-Crespo et al.).

School Reorganization. If a high school is deactivated, a school district is annexed, or a district is formed or reorganized, full-time educational support staff must be transferred to the new school(s) or district(s) in a way that gives those with the longest service the first choice among available positions (H.B. 1847, Phelps-Dugan-Riley-M.Davis et al.—Demuzio-J.Sullivan-Noland et al.).

Sexual Harassment of Students is banned in elementary and high schools (added to colleges) (H.B. 1268, Bellock-Fritchey et al.—Lightford-Hunter), **amendatory vetoed.**

Special Education. *Autism-spectrum evaluations.* An individualized education program for a student with an autism-spectrum disability must consider several possible needs of the student listed in this amendatory act (S.B. 79, Garrett-Sandoval-Dillard-Silverstein-J.Collins et al.—Bellock-Froehlich-Mathias-Smith-Bassi et al.).

Decisions about individual program. A student eligible for special education will become responsible for educational decisions at age 18 unless the student is adjudged incompetent or delegates responsibility in writing to an adult. Districts must inform students and parents of these provisions (S.B. 396, Demuzio-J.Collins-Wilhelmi-Halvorson et al.—Coulson et al.).

Summer Meals. If 50% of a school's students qualify for reduced-price meals and it offers a summer program, the district must provide lunch or breakfast in that school starting next summer—unless the Regional Superintendent, after a public hearing, finds that the costs would be prohibitive (H.B. 1964, Berrios-Mendoza-Arroyo et al.—Martinez-Koehler-J.Collins).

Higher Education (continued from p. 15)

The most notable bill on this topic seeks to define the relationship between student media and officials at public colleges.

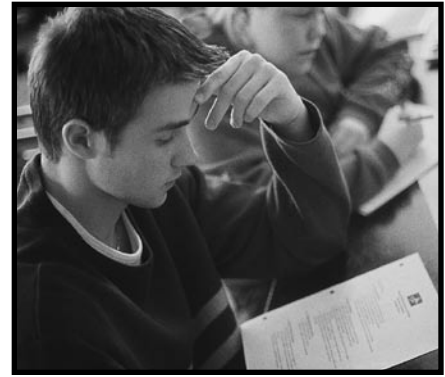
English for Immigrants. Subject to appropriation and approval by the Board of Higher Education, the Illinois Community College Board may create a program for persons lawfully in the U.S. to learn English. At least half of any money spent for this purpose must go to nonprofit community organizations (S.B. 1446, Sandoval—Hernandez-Froehlich-Berrios-Arroyo-McCarthy et al.).

Remedial Study. If a state university determines that a student needs remedial courses, the student must finish them before pursuing a major course

of study (S.B. 313, Maloney—Myers-Fortner).

Scholarships. Operation Enduring Freedom and Operation Iraqi Freedom are added to the list of conflicts for which University of Illinois scholarships may be offered to veterans' children in each county (H.B. 486, J. Watson-Beiser-Tracy-Chapa La Via-Miller et al.—Kotowski-B. Brady-Noland-Dillard-Holmes).

Student Newspapers and other media at state universities and community colleges, prepared under direction of a “media adviser” as defined in this



new act, are not subject to prior review by campus officials. Advisors may not be punished for refusing to suppress these rights. Such media do not express official policy (S.B. 729, Garrett-Richter-Kotowski et al.—Jakobsson-D. Brady-McCarthy-Pritchard-Gordon et al.). □

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Civil Law

(continued from p. 4)

Library Records (except of who borrowed what) may be provided to police without court order if police represent that there is an imminent danger of physical harm—but only to help identify a suspect, witness, or victim (H.B. 237, Dunn-Cross—Hultgren-Dillard-Garrett).

Public Employers and Women. *Discrimination.* Gender is added to race, color, and national origin as a prohibited reason for state, county, and local governments to discriminate (S.B. 1467, Harmon-Martinez-Silverstein-J. Collins-Raoul—Fritchey-Hamos-Nekritz-Mathias-Froehlich et al.).

Pregnancy accommodation. A public employer must transfer a pregnant police officer or firefighter temporarily to a less demanding position, on request with medical advice, if her request can be reasonably accommodated (H.B. 166, Osmond-D. Brady-Joyce et al.—Bond-Crotty-Pankau).

Tenant Safety. A 2006 act on changing locks to protect renters threatened with domestic or sexual violence is

expanded to allow a change of locks on behalf of fewer than all lessees if there is a plenary order of protection against another lessee. The act is also expanded to apply to oral leases, apparently if (a) all lessees request a change of locks in writing or (2) there is a plenary order of protection. A lessor or lessee who changes locks under the act must make a good-faith effort to get a key to the other as soon as possible or within 48 hours (S.B. 534, Raoul-J. Collins-Trotter-Koehler-Holmes et al.—Lindner-Jefferies-Dunkin et al.).

Whistleblower Laws Expanded. The Whistleblower Act's definition of “employer” is expanded to include public (now only private) employers, and to make clear that it applies to disclosing apparent law violations in formal, court-type forums (now “to a government or law enforcement agency”). Home rule is pre-empted. The Whistleblower Reward and Protection Act's definition of “state” is expanded to include colleges, school districts, and local governments, and a provision similar to the one just described is added. Employees wronged under either law can sue for damages

from adverse employer acts (H.B. 742, Hamos-Fritchey-Washington et al.—Frerichs).

Workers' Compensation and Occupational Diseases. For a firefighter, EMT, or paramedic who has been employed for at least 5 years, a health impairment resulting from bloodborne pathogens; respiratory disease; vascular disease; hypertension; tuberculosis; or cancer will be rebuttably presumed to arise from and be causally connected to employment—as will any hernia or hearing loss suffered by a firefighter, EMT, or paramedic (H.B. 928, Hoffman-Washington-Boland-Ford—Link).

Wrongful Death. In a suit for wrongful death accruing after May 30, 2007, a survivor may seek damages for grief, sorrow, and mental suffering in addition to grounds already allowed (H.B. 1798, Brosnahan-Flowers-Fritchey-Harris-McCarthy et al.—Raoul-Sandoval-Martinez-J. Collins et al.). □

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Health & Safety

(continued from p. 15)

Mold Remediation Firms. IDPH must annually report to the General Assembly on implementation of any federal regulations setting standards for mold remediation provider training and licensing. IDPH may require such providers to register with the state (S.B. 1257, Clayborne-Dillard et al.—Holbrook-Verschoore).

Multidrug-Resistant Organisms.

Control programs. The Department of Human Services (DHS), working with IDPH, must adopt rules that may require some mental facilities to have programs to prevent and control multidrug-resistant organisms (MDROs). IDPH must adopt rules to require some regulated medical facilities to do annual infection control assessments and develop policies to control MDROs. It must also publish MDRO control guidelines for medical providers and facilities, health departments, prisons and jails, and the public. The University of Illinois Hospital and licensed hospitals must develop and implement MDRO prevention and control measures (H.B. 192, Flowers-Bellock-Cole—Trotter-Maloney-Raoul-Viverito-Hunter et al.).

MRSA in hospitals. All hospitals must have programs to control Methicillin-Resistant Staphylococcus Aureus (MRSA)—including identifying infected and at-risk patients, isolating MRSA-colonized or infected patients, handwashing requirements, and case reporting and records maintenance. IDPH will compile data on all hospitals' MRSA infections that (1) were present at admission or (2) develop in the hospital (S.B. 233, Radogno-Cullerton-Garrett-Millner-J.Collins et al.—Bellock-Hamos-Pihos-Joyce-M.Davis et al.).

Multiple Sclerosis Lottery Game.

The State Lottery will offer an instant scratch-off game to fund multiple sclerosis research (S.B. 764, Crotty-E.Jones-Link-Holmes et al.—Mathias-Joyce).

Newborn Screening. When testing methods and materials become available (hoped to be within 3 years), IDPH must begin screening all newborns for five metabolic diseases that cause buildup of toxic substances due to enzyme deficiency. In the meantime, it may increase newborn testing fees to accumulate funds for the future testing. The IDPH Director will name a 20-member Genetic and Metabolic Disease Advisory Committee to advise IDPH on newborn screening and metabolic disease issues (S.B. 1566, Righter-Ronen-Crotty-Radogno—Osmond-Miller-Bellock-Ryg-Rose et al.).

Nursing Homes. *Prescreening.* Case coordination units working with the Department on Aging will be responsible for its nursing home prescreening program for Alzheimer's patients, the blind, and the disabled. Prescreening must occur before placement in a nursing home. Prescreened patients must be told of all options for care and advised of their right to refuse nursing home, in-home, community-based, or all services (H.B. 809, Coulson et al.—Delgado-Lightford).

Temperature control. IDPH standards for nursing homes must require that resident areas be air conditioned and heated by operable equipment (H.B. 892, Franks-Beiser-Ford-Flowers—Garrett-Althoff).

Ovarian Cancer Screening is added to the "basic health services" to be provided as part of primary health care services for women in community health centers (H.B. 1239, Cole-E.Sullivan-Munson-Froehlich et al.—Martinez-J.Collins).

Pneumococcal Vaccine. IDPH by regulation must require vaccination with pneumococcal conjugate of children under 2 who are enrolled in a licensed child-care facility; such facilities must have proof of compliance starting in 2008. Parents or guardians may refuse for religious reasons, and doctors may exempt a child whose condition does not permit vaccination (H.B. 2242, Mendoza-Jakobsson-Osmond-Howard-McGuire et al.—Jacobs-Millner et al.).

Postpartum Depression. DHS and other state agencies must work with hospitals and medical professionals to help prevent and treat postpartum depression and related perinatal mental health disorders. Hospitals providing childbirth services must give new mothers and their families pre-discharge information on perinatal mental health. Providers of birth-related and pediatric care must invite mothers to complete a questionnaire assessing risk of perinatal mental health disorders (S.B. 15, Harmon-Holmes-Raoul-J.Collins-Martinez et al.—Graham-Ford-Jakobsson-Coulson-Ryg).

Radon Awareness. A seller of residential property with 1-4 units, before accepting an offer to buy, must give the buyer a pamphlet on radon hazards and a completed form saying whether the property is known to have elevated radon levels. The form also recommends that the buyer have an indoor radon test done before buying or taking occupancy. Exceptions apply to transfers by court order, among related persons, and by will (H.B. 1425, Reitz-May-Joyce-Coulson et al.—Trotter-J.Collins-Noland).

School Health Centers. Subject to appropriation, the Department of Human Services must start 20 new school health centers in the next 5 years. All students will be eligible for their services (such as immunizations, physical exams, asthma care, and mental health counseling) with written parental consent (S.B. 715, Trotter-Martinez-Hunter-J.Collins-Lightford et al.—Feigenholtz-Hamos-Mulligan-Osterman-Currie et al.).

Schools Safely Cleaned. An Illinois Green Government Coordinating Council will issue standards for environmentally sensitive cleaning products for schools. All public schools, and private ones with at least 50 students, must follow the standards unless they would raise the cost to clean a school—in which case annual written notice must be sent to the Council (H.B. 895, May-Froehlich-Mathias-Boland-Currie et al.—Martinez-Delgado-J.Collins-Dillard).

Smoke-Free State. Effective next January 1, smoking is prohibited in almost all enclosed public places and workplaces, and within 15 feet of their entrances. “No Smoking” signs must be placed in each location where smoking is prohibited. Smoking is also banned in public and private college dormitories. It will be allowed in private homes, retail tobacco stores, rooms used only by smokers in nursing homes, and designated hotel and motel sleeping rooms. The minimum fine for violation will be \$100. IDPH, local health departments, and local police are to enforce the act (S.B. 500, Link-Cullerton-Hunter-Schoenberg-Radogno et al.—Yarbrough-A.Collins-May-Currie-Krause et al.).

Stem Cell Research. *Grants; human cloning ban.* IDPH is to develop an Illinois Regenerative Medicine Institute Program to make grants to state medical research institutions to promote and support stem cell research. A seven-member Institute Oversight Committee appointed by the Governor with Senate confirmation will award the

grants. No one may clone or attempt to clone a person, or knowingly buy or sell embryonic or cadaver-derived fetal tissue for research (S.B. 4, Schoenberg-Kotowski-Holmes-Frerichs-Hunter et al.—Cross-Feigenholtz-Coulson-Lindner-Miller et al.).

Tax Checkoffs. New income tax checkoffs will fund grants to nonprofit organizations for lung cancer research (S.B. 796, Cullerton-E.Jones-Maloney-Harmon—Crespo), and to public and private entities for autoimmune disease research. Under the latter measure, no Illinois income tax form may offer more than 15 checkoffs; if the sum of new and continuing checkoffs would exceed 15, the least popular continuing ones must be dropped (S.B. 797, Demuzio-E.Jones-Noland—Hannig).

Umbilical Cord Blood. *Donation.* By January 1, 2008 (postponed a year), IDPH must prepare and distribute to medical providers written publications on umbilical cord blood donation. The publications must help women make informed decisions about participating

in banking of umbilical cord blood. Medical providers must be encouraged to provide the publications to pregnant patients before their third trimesters (H.B. 642, Brauer-Reis-Howard-Coulson-Bellock et al.—Haine-J.Jones et al.).

Stem cell banks. If funds are available, IDPH will create a network of human cord blood stem cell banks. Banks joining the network must: (1) obtain and process human umbilical cord blood under federal regulations, (2) make it available for stem cell transplantation, (3) allocate up to 10% of inventory each year for research, and (4) provide for collecting donated units from obstetric facilities. IDPH’s Director will appoint an advisory committee on network administration (S.B. 19, Haine-J.Sullivan-Forby-Demuzio-Cronin et al.—Reitz-Lindner-Mulligan-Reis-Phelps et al.). □

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Business & Economic Development

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value, or its holder penalized, for non-use or delayed redemption (H.B. 369, Franks-Tryon-Pihos-Krause-Chapa LaVia et al.—Althoff-J.Collins-Maloney).

Life Insurance and Travel. Life insurers may not discriminate based solely on a person’s past lawful travel experiences or future travel plans, unless based on “sound actuarial principles” or “actual or reasonably expected experience”—which may not be solely because a planned destination is on the U.S. State Department’s travel warning list (H.B. 2786, Mathias-Osmond-May—Silverstein-Schoenberg et al.).

Loans to Small Businesses. The limit for Build Illinois Act loans to small businesses owned by minority, female, or disabled persons is doubled to

\$100,000 (H.B. 1241, Poe-Schock-Dugan et al.—J.Collins-Althoff-Holmes).

Local and Organic Foods. An Illinois Local and Organic Food and Farm Task Force, with 32 members appointed by the Governor, will make recommendations by September 30, 2008 for expanding and supporting production of locally grown and organic food—including ways to help farmers switch to such food production, and ways to make locally grown food more available (H.B. 1300, Hamos-Mautino-Cultra-Dugan-Phelps et al.—J.Collins-Cullerton-Koehler-Sieben-J.Sullivan et al.).

Metals Recycling. Scrap processors and recyclable metals dealers—like scrap processors under existing law—must keep records for 3 years on acquisitions of vehicle parts. For scrap metals worth at least \$100, the seller’s identity must be recorded from a driver’s license or state ID card.

Processors and dealers may buy metal beer kegs only from the brewmaker or an authorized representative. Anyone selling a beer keg must show proof of ownership (H.B. 1654, Brauer—Haine; S.B. 69, Haine-Harmon et al.—Brauer-Froehlich).

Vehicle Dealer Fees. The maximum document processing fee a car dealer can charge will rise on January 1, 2008 from about \$60 to \$150, and be adjusted for inflation thereafter (H.B. 1657, Burke-D.Brady-Durkin—Trotter-Koehler-Millner et al.).

Wireless 911 Surcharge. Procedures are enacted for requiring wireless telephone companies to collect surcharges for “enhanced” 911 service. Repeal of the Wireless Emergency Telephone Safety Act is delayed 5 years to April 2013 (H.B. 463, Brosnahan-M.Davis-Boland-McCarthy-R.Bradley et al.—Schoenberg). □

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Local Government

The General Assembly voted to create an Illinois Urban Development Authority that can sell up to \$500 million in bonds for building projects in high-poverty cities; authorize several northern Illinois counties to tax motor fuel for transportation improvements with referendum approval; and authorize local general governments to buy electricity for their residents who consent. Other bills that passed both houses provide for grants for “green” development in municipalities, and establish rules for municipal and county regulation of windmills.

“Adult” Entertainment. *Definition.* A book or video store becomes an “adult entertainment facility” (for purposes of a ban on putting such businesses within 1,000 feet of a school, church, or other kinds of public places) if at least 25% of its merchandise is sexually explicit. Formerly, such materials must have been its primary business (H.B. 286, Reis-J.Bradley-Cross-Smith-Fortner et al.—J.Jones et al.).

Locations. In DuPage and suburban Cook County, no new adult entertainment facility may be opened within 1 mile of any school, day-care center, cemetery, park, forest preserve, public housing, or church (H.B. 1608, Ramey-Biggins-Mathias-Graham et al.—Lightford).

County Tax. Boone, DeKalb, Grundy, Kendall, Lake, or Will County, by referendum, can impose a tax up to 4¢ per gallon on motor fuel to fund highway and waterway improvements (S.B. 831, Crotty-E.Jones—Lindner-Mathias), **vetoed**.

Dogs in Eateries. Chicago may allow pet dogs in outdoor seating areas of restaurants if food safety laws are observed (S.B. 341, Cullerton-Crotty-Raoul—Fritchey-Osterman-Feigenholtz).

Electric Aggregation. Municipalities and/or counties, with referendum approval, may buy electricity and resell

it to their consenting residents. Operations and governance plans for such projects must get Illinois Commerce Commission approval; the Commission must make a list of supply options available to consumers (H.B. 351; Holbrook-Krause-B.Mitchell-Rose-Stephens et al.—Forby-J.Jones-Raoul et al.).

Emerald Ash Borer; Vegetation Control. Municipalities may remove ash trees infected with the borer, and may cut grass and trim or remove nuisance bushes and trees on private property whose owners do not do so, charging them the cost (H.B. 1391, Fortner-Chapa LaVia-Ryg-Lindner et al.—Holmes-Bomke et al.).

Fire and Police Departments. The age limit of 35 to apply to a municipal police or fire department will not affect a person who has already served in a municipal police or fire department, even (added) in another state (H.B. 2920, Winters—Syverson).

Grants for Development. The Department of Commerce and Economic Opportunity may make grants to municipalities for urban preservation and redevelopment, and green technology (S.B. 207, Holmes-Althoff-Hultgren-Koehler-Noland et al.—Mathias-Riley-Coulson-Cole-Fortner et al., **total veto stands**) and to municipalities whose buildings meet national green



building standards (S.B. 208, Holmes-Althoff-Koehler-Noland-J.Collins—Mathias-Froehlich-Coulson-Cole-Fortner et al., **total veto stands**). Another bill contains both of those provisions (H.B. 3394, Chapa LaVia-May-Holbrook-Nekritz et al.—Holmes-J.Collins et al.).

Pregnancy Accommodation. A public employer must transfer a pregnant police officer or firefighter temporarily to a less demanding position, after her request based on medical advice, if the request can be reasonably accommodated (H.B. 166, Osmond-D.Brady-Joyce et al.—Bond-Crotty-Pankau).

Prevailing Wage Act Expansion. The Act is expanded to apply to maintenance, repair, assembly, and disassembly work on publicly owned, leased, or rented equipment (H.B. 985, Beiser et al.—Forby et al.).

Urban Development Authority. A new Illinois Urban Development Authority will have 11 members: 1 each appointed by the Chicago mayor and Cook County board president; 4 by the Governor from municipalities (other than Chicago) with poverty rates more than 3% above the state average; and 5 appointed by the Governor who have expertise on specific topics. The Authority may issue up to \$500 million in

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Professions & Occupations

The General Assembly voted to make numerous changes in the regulation of nursing, dividing it into three levels with separate licensing requirements; change requirements for dental anesthesia and sedation; and require licensing of fingerprinters.

Crimefighters (private). The occupation of “fingerprint vendor” is created, consisting of offering to the public to record fingerprints to be sent to the Department of State Police. Such persons and their businesses must be licensed under the act on private detectives, security contractors, and alarm contractors. The actions covered by a private detective license are expanded to include using dogs to sniff odors. A person handling dogs for security or for investigations, or training others to do so, must have an authorization card from the Department of Financial and Professional Regulation. Training for registered employees of private detective agencies, security contractors, and alarm contractors must include fighting terrorism. Licensees may be required to get continuing education. The maximum fine for violating the license requirements is doubled to \$10,000 (S.B. 1424, Halvorson-Millner—Saviano-Fritchey-McAuliffe-Burke-Coulson).

Dental Anesthesia. The Department of Financial and Professional Regulation will set qualifications and standards for a permit to use conscious sedation, deep sedation, or general anesthesia in dentistry. A dentist must have a permit from the Department to use any of those kinds of anesthesia. To practice dentistry while a nurse

anesthetist administers anesthesia or sedation, a dentist must have such a permit and a written practice agreement with the nurse. No dentist may advertise using terms such as “sedation dentistry” without such a permit (S.B. 214, Haine—Osmond-Saviano-Kosel-Miller-Fritchey et al.).

Nursing. The Nursing and Advanced Practice Nursing Act is renamed the Nurse Practice Act. Licensing, education, and renewal requirements, and scope of practice, are separately defined for licensed practical, registered professional, and advanced practice nurses. Advanced practice nurses’ authority is expanded, including ability to prescribe Schedule II (added to Schedules III to V) controlled substances under physician supervision. They may practice in hospitals and surgery clinics with clinical privileges granted by those institutions. The Board of Nursing and the Advanced Practice Nursing Board are replaced with a 13-member Board of Nursing. Except in emergencies, proposed state rules and policies for nurses must be sent to the Medical Licensing Board for comments. If the Nursing and Medical Licensing Boards disagree on a proposed rule or policy, their officers must meet with the Secretary of Financial and Professional Regulation to



discuss it. The penalty for unlicensed practice of nursing is doubled to \$10,000 (S.B. 360, Ronen—Saviano-Coulson-M.Davis-Ford-Turner).

Portable-Toilet Maintenance. The Illinois Department of Public Health (IDPH) will license companies (formerly persons) for the business of maintaining portable toilets. Persons who maintain the toilets’ holding tanks and handwashing units must have certificates of registration from IDPH starting 6 months after IDPH issues regulations for such registration; each registrant must complete an IDPH-approved certification program before the first renewal (H.B. 1303, Kosel—Haine-Millner), **amendatorily vetoed.** □

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Local Government

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bonds to fund industrial, commercial, and housing projects in municipalities with poverty rates more than 3% above the state average (H.B. 1497, Miller-Yarbrough-Colvin-Washington-Jefferson et al.—J.Collins-Raoul-Hunter-Meeks), **amendatorily vetoed.**

Wind Farms. Zoning-type requirements for wind farms may be imposed by municipalities in their territory and for 1½ miles beyond, and by counties elsewhere. Counties may set “standards” for such installations. A public hearing must precede any siting decision for wind towers. Municipalities and counties may allow “test” wind

towers, limited to 3 years’ operation, to be built without formal approval (H.B. 620, Rose-Franks-Chapa LaVia—Righter-Koehler). □

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Revenue

The General Assembly expanded or revived several exemptions for homeowners, and made numerous other changes in property taxation. Other successful bills will allow reduced property taxes on land subject to conservation easements and woodlands, and ease tax filing requirements for very small biodiesel fuel producers.

Income Tax. Child-care credit. The income tax credit of 30% of startup costs for companies providing care on the premises for their employees' children is revived (H.B. 1242, Cole-Coladipietro-Reboletti-Munson-Durkin et al. — Bond-Althoff), **veto overridden**.

National Guard deduction. Illinois income taxpayers who are members of the Guard of any state (formerly only of Illinois) can deduct their Guard pay starting with tax year 2007 (H.B. 290, Myers-Boland-Moffitt et al. — J.Sullivan).

Motor Fuel (Biodiesel). A producer of biodiesel fuel for personal use, with total taxable gallonage of biodiesel fuel and biodiesel fuel blends under 5,000 gallons per year, need file motor fuel tax returns only annually (instead of twice monthly). If total annual gallonage is 5,000 or more, returns must be filed monthly. Such producers are exempted from most bonding and licensure requirements of the Motor Fuel Tax Law. These provisions will also apply to the Environmental Impact Fee Law (S.B. 267, F.Watson — Flider-Kosel-Dugan-Tryon-Coladipietro et al.).

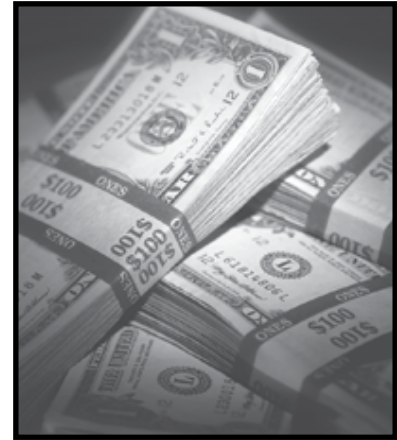
Property Taxation. Conservation assessments. Unimproved land in any county except Cook that (1) is at least 5 contiguous acres; (2) is subject to a conservation management plan approved by the Department of Natural Resources; and (3) is not already assessed as farmland or conservation areas, is to be assessed at 5% of market value starting with the 2008 assessment year. Woodland, of at least 5 acres, in any county except Cook that was assessed as farmland in 2006 is to

be assessed each year by multiplying its latest market value by the ratio of its 2006 assessed value as farmland to its 2006 market value. Land that qualifies for assessment as cropland, permanent pasture, other farmland, or wasteland is ineligible (S.B. 17, J.Sullivan-Forby-Demuzio-Holmes-J.Jones et al. — Reitz-J.Watson-Granberg-Phelps-Reis et al.).

Miscellaneous. The general homestead exemption is raised from \$5,000 to \$5,500 in tax year 2008, and \$6,000 in tax year 2009. The 7% expanded homeowner's exemption on residential property in Cook County is extended 3 years, and maximum exemptions increased (but declining over the 3 years); other counties can adopt that exemption during the 6 months after this law takes effect.

A long-time occupant homestead exemption is authorized in counties adopting the exemption just described, for persons who live in the same homestead for at least 10 years (5 if bought through a government or nonprofit housing program) and have household incomes up to \$100,000. If it applies, effective assessment increases on those persons' homesteads cannot rise more than 7% per year if their incomes are up to \$75,000, or 10% if their incomes are between \$75,000 and 100,000.

The senior citizens' homestead exemption is raised from \$3,500 to \$4,000 starting with tax year 2008. The senior citizens' assessment freeze homestead exemption will have no phaseout of eligibility for incomes between \$45,000 and \$50,000 in Cook County (and in all counties starting with tax year 2007), and starting with



tax year 2008 its income limit will rise from \$50,000 to \$55,000. The "circuit breaker" income limits are raised by \$1,000 starting in grant year 2008.

A veteran returning from war can get a homestead exemption of \$5,000 from equalized assessed value the first year. A veteran with at least a 75% disability can get a \$5,000 exemption, and a veteran with a 50%-75% disability a \$2,500 exemption, while the disability lasts. A 100% disabled homeowner is entitled to a \$2,000 homestead exemption while the disability lasts. A municipality or county may abate part or all of its taxes on the home of a surviving spouse of a police officer, firefighter, or rescue worker killed on duty.

In assessment years 2007-2011, large commercial windmills will have assumed market values of \$360,000 per megawatt of generating capacity, adjusted annually for inflation and depreciation. A county board may waive interest penalties on delinquent property taxes on brownfields being redeveloped by a local government.

A Property Tax Reform and Relief Task Force, appointed by the legislative leaders, will make recommendations by 2010 for reducing the state's reliance on property taxation (H.B. 664, Currie-Turner-Joyce-Biggins et al. — Link-Hunter-Murphy-J.Collins-Harmon et al.), **amendatory veto overridden**. □

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Social Services

The General Assembly voted to require the Department of Children and Family Services to respond to each recommendation by a child death review team; require the Department of Human Services to study the feasibility of electronic monitoring of patient care in its developmental centers; and expand programs to help veterans recently returned from combat areas. More people with HIV will be eligible for “circuit breaker” pharmaceutical assistance, and provisions for treating persons with autism or related disorders will be expanded.

Abandoned Newborns. Privacy. Personnel at places where newborns may be relinquished are forbidden to disclose information about their relinquishment except as allowed by law (H.B. 653, Feigenholtz-Coulson-Flowers-Jakobsson-Bellock et al.—Martinez-J.Collins-Trotter).

Signs. Each hospital, fire station, emergency medical facility, or police station that is required to accept relinquished newborns must post a sign outside so stating. The Department of Children and Family Services (DCFS) will issue specifications for the signs (S.B. 335, Trotter-Martinez-Garrett-Haine-J.Collins et al.—Coulson-Saviano-Eddy-Ramey-Mulligan et al.).

Adoption. DCFS may continue providing financial and educational assistance to hard-to-adopt children, whose adoptive parents have died and who have not yet been re-adopted, with or without federal financial help. If an intended adoptive parent dies before the adoption is final, the court may grant the adoption to the other intended adoptive parent (deleting a statement that this was to be done “to enable the child to have the intended name by adoption”) (S.B. 68, Jacobs—Feigenholtz-Jakobsson-Mathias-Currie).

Autism. Adolescent group homes. Subject to appropriation, the Department of Human Services’ Developmental Disabilities Division will open three group homes in different areas of the state for persons 15 to 18 years old and diagnosed with autism (S.B. 284,

Crotty-Kotowski-J.Collins-Trotter-Haine—Reboletti-Bellock-Froehlich-Riley-Crespo et al.).

Police training. Probationary officers must be taught to identify and interact with persons with autism and other developmental problems, including helping them report crimes (H.B. 3454, Bellock-Froehlich-Boland-Joyce-Pihos et al.—Millner-Harmon-Garrett-Althoff-Kotowski et al.).

Services database. The Department of Human Services must add people with autism spectrum disorders to its database of state residents with disabilities who may need its services. A person with an autism spectrum disorder may be assessed for service eligibility under Home and Community-Based Services waivers regardless of mental retardation diagnosis (S.B. 51, Garrett-Sandoval-Kotowski-Crotty-J.Collins et al.—Schock-Black-Bellock-Pihos-Mathias et al.).

Board & Care Home Licensing. Board and care homes (which were required only to register with the Department on Aging) must be licensed by the Department under, and meet all requirements of, the Assisted Living and Shared Housing Act. Each such home must be licensed as either a “shared housing” or an “assisted living” establishment. These requirements took effect immediately upon enactment (H.B. 1729, Joyce—Maloney-Silverstein), **amendatory veto overridden.**



Child Abuse. Death reviews; court allowing minor to stay with parents. The DCFS Director must reply to each recommendation by a child death review team, stating an intent to implement it or not; within 90 days thereafter, send an additional report giving details and any implementation schedule; and within 180 days after that, send a report on implementation. The Executive Council of child death review teams must consider all such replies and reports, and annually report on them to the Governor and every legislator whose district contains the area of a team that made a recommendation. If a DCFS ward, or child whose abuse or neglect was reported to the DCFS hotline, receives a “serious life-threatening injury” (or death as under current law), DCFS must investigate and report information including whether the alleged perpetrator has been criminally charged.

If a juvenile is found neglected, abused, or dependent, but the juvenile judge finds that a parent, guardian, or custodian can comply with an order of protection, the judge may issue such an order lasting up to 1 year and allow the minor to stay in the person’s home under the order. If a later violation involves a service essential to the minor’s welfare, the judge may put the minor into temporary custody (H.B. 616, Holbrook-Stephens-Reitz-Hoffman-Beiser et al.—Clayborne-Martinez-Radogno et al.).

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Social Services

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Reporting procedures. DCFS must immediately forward reports of serious child abuse from its toll-free number to local police; oral reports by DCFS to police and state's attorneys must be confirmed in writing within 24 (now 48) hours. DCFS must let police investigate reports of suspected child abuse concurrently with its own investigations and regardless of DCFS's conclusions (H.B. 421, Leitch-Howard-Flowers-Schock-Pihos et al.—Koehler-Althoff-Risinger et al.).

Children's Advocacy Fee. A county with a children's advocacy center may impose a fee of \$5 to \$30 on each conviction or grant of supervision, with proceeds helping fund the center (H.B. 1391, Fortner-Chapa LaVia-Ryg-Lindner et al.—Holmes-Bomke et al.).

Children's Savings Accounts. A Children's Savings Account Task Force will help Illinois residents become more financially stable. Goals include creating a plan for all Illinois children to have savings accounts from birth, and to increase the number of young people who own assets and go to college, buy homes, and start small businesses (H.B. 1662, Colvin-Hernandez-Soto-Coulson et al.—J.Collins-Trotter-Lightford).

"Circuit Breaker" Pharmaceutical Assistance. A provision added last year allows recipients who are ineligible for Medicare Part D and (a) are under 65 and disabled, (b) are at least 65 but have incomes over twice the federal poverty level, or (c) are ineligible for federally funded benefits due to immigration status, and who also (d) have HIV infection or AIDS, to pay only regular copayments for HIV drugs on the state's formulary, even after their annual drug costs exceed \$1,750 (the start of the "doughnut hole" in Part D coverage). That provision is expanded to apply additionally to "circuit breaker" recipients who fit only description (d) above and are eligible for Medicare Part D. All drugs covered by the Part D drug plan

in which those persons are enrolled will also be covered by the "circuit breaker" (H.B. 1257, Feigenholtz-Holbrook-Colvin—Ronen).

Community Care. The required membership of the Community Care Program Advisory Committee is changed to consist of representatives of a variety of the program's "constituencies" in place of a statutory listing of numbers of members from each type of provider or agency; a ban on members' succeeding themselves is lifted (S.B. 340, Forby-Crotty-Koehler-Sandoval-Silverstein et al.—Mathias-J.Bradley-Verschoore-Osterman-Saviano et al.).

Community Mental Health Act. A successfully vetoed bill would have deleted a requirement that community mental health boards get Department of Human Services approval for their regulations and service plans. Community mental health boards could have expanded the statutory definitions of "person with a developmental disability" and "mental illness" for purposes of the services they provide (H.B. 909, Tryon-Holbrook-Cross-Lindner-Bellock et al.—Althoff-Radogno-Noland-Crotty), **total veto stands.**

Discrimination Commission. A Commission on Discrimination and Hate Crimes Act is created to help prevent discrimination; embrace diversity; equip community leaders to react quickly to hate-motivated crimes; and recommend statutory changes to prevent discrimination. It will report to the Governor and General Assembly each March 30 (S.B. 1047, Silverstein-E.Jones-B.Brady-Schoenberg—Lang-Mathias-Froehlich-Franks-Coulson).

Elder Abuse Investigations. The Department on Aging may establish, or authorize other state or county agencies to establish, elder abuse fatality review teams to review suspicious deaths of persons 60 or older. The Department will report annually on findings of such teams (H.B. 254, Lindner-Munson-Bellock-Tryon-Crespo et al.—Hultgren).

Energy Assistance Minority Outreach. The Department of Healthcare and Family Services will offer outreach on state energy assistance to low-income heads of households who are minority members or at least 60 (S.B. 175, Sandoval-Raoul-J.Collins et al.—Hernandez-Franks-Chapa LaVia-Mendoza-M.Davis et al.).

Guard and Reservist Homebuying Aid. If funds are appropriated, the Illinois Housing Development Authority will offer grants to help former National Guard and Reserves members make downpayments on homes. Grants may not exceed 10% of the first \$100,000 of price plus 5% of the next \$100,000 (H.B. 272, Wait-Reboletti-Boland-Coulson-Chapa LaVia et al.—J.Sullivan-Dillard-Holmes-Kotowski-Forby).

Mental Institution Oversight. The Department of Human Services must inspect each facility under its jurisdiction regularly and at least annually (formerly only annually), for purposes including finding and preventing abuse and neglect. It must study possible use of electronic monitoring and recording to prevent and identify abuse and neglect in state-operated developmental centers and developmental disabilities services programs under it, and make legislative recommendations by January 1, 2008 (S.B. 1245, Link-Crotty-Althoff—Ryg-Jakobsson-Crespo-Bellock-Pihos).

Military Reintegration. An Illinois Discharged Servicemember Task Force in the Department of Veterans' Affairs will investigate the re-entry process for service members from combat zones and report each July 1 to Illinois officials and the U.S. Department of Veterans Affairs (H.B. 670, Chapa LaVia-Beiser-Holbrook-Boland-Kosel et al.—Demuzio-Holmes-J.Collins et al.).

Older Rural Adults. The Department on Aging must identify special needs of, and evaluate the adequacy of existing programs and information for, older rural adults. An Older Rural Adults Task Force is created to study,

make recommendations, and report to the General Assembly by January 1, 2009 (H.B. 979, Hannig-Harris-Smith-Schock et al.—Demuzio et al.).

Throwaway Children. The definition of “neglected child” in the Abused and Neglected Child Reporting Act is expanded to include one who has received interim crisis intervention services but whose parent will not take the child back and has made no other suitable living arrangements. The Juvenile Court Act’s definition of neglected minors is similarly expanded, with an exception for a minor who is an immediate physical danger to anyone in the home. A child-care agency holding such a minor may report the minor as neglected to DCFS, which must investigate and decide whether to file a petition in juvenile court. Subject to appropriation, DCFS may take the minor into temporary protective custody after getting such a report; it must do so if its investigation is not complete within 48 hours. If DCFS finds that the minor is an immediate physical danger to self or others, it must immediately arrange for mental health admission, protective custody, or other proper action (S.B. 108, Haine-Maloney-Kotowski-J.Collins—Harris-Chapa LaVia-Crespo et al.).

State Employees With Disabilities Technology. By February 20, 2008 the Department of Human Services must develop standards for accessibility of electronic and information technology to state employees with disabilities. By 6 months later, the Director of Central Management Services and each state agency must examine the standards and make needed revisions to procurement policies (S.B. 511, Cullerton-Crotty—Feigenholtz-J.Watson-Yarbrough-Howard-Munson et al.).

Substance Abuser Services. The Department of Human Services must provide services for substance abusers admitted to its mental health facilities and refer them to service providers who will provide timely assessments (H.B. 17, Lang-Ford-Harris-Leitch-Pihos et al.—Ronen-J.Collins).

Telepsychiatry Reimbursement. The Department of Healthcare and Family Services must reimburse psychiatrists and federally qualified health centers under Medicaid for services provided by psychiatrists by telepsychiatry, under criteria to be issued by the Department (S.B. 6, Demuzio-Forby-J.Sullivan-Frerichs-Koehler et al.—Bellock-J.Bradley-Coulson et al.).

Veteran Aid. The following new programs are all subject to appropriation: A Nurses’ Loan Repayment Program will offer grants to help nurses working in state veterans’ homes repay educational loans. The Department of Veterans’ Affairs, consulting with the Department of Human Services, will pay professional counselors to provide confidential services to veterans of combat in the Iraq area and their families, and provide additional services to Vietnam War veterans, for post-traumatic stress disorder. The Department will also help train primary medical providers on war-related stress and trauma, and help families of deployed persons or veterans to support one another and get mental health services. A Veterans Conservation Corps will compile a list of veterans, particularly those with post-traumatic stress disorder and related conditions, who are interested in restoring natural habitats (S.B. 8, Kotowski-J.Sullivan-Forby-Viverito-Haine et al.—Chapa LaVia-McAuliffe-Mulligan-Coulson-Burke et al.). □

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Environment & Conservation

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designing and implementing the Program. UIC must draft findings after 2 years for review by the public and Panel, then report to the Governor and General Assembly (H.B. 680, Nekritz-Froehlich-Yarbrough-May-Arroyo et al.—Garrett).

Nuclear plants may no longer be inspected only by their owners for radioactive releases; the Environmental Protection Agency and Illinois Emergency Management Agency must

inspect them at least quarterly (H.B. 516, Gordon-Fortner-Dugan-May-Jakobsson—Wilhelmi-Althoff-Noland-Holmes).

Phosphorus in detergents. Cleaning agents for household use may not have over 0.5% phosphorus by weight after June 2010. The Pollution Control Board can allow exceptions if there is no reasonable alternative. Home-rule units may not regulate phosphorus in detergents (H.B. 819, Joyce-May-Tryon-M.Davis-Jakobsson et al.—Harmon-Noland et al., **total veto stands**; S.B. 376, Harmon-Martinez-Silverstein-Kotowski-Hunter et al.—Fortner-Froehlich-Nekritz-Boland-Yarbrough et al.).

Tire Fee. A 50¢ fee per new or used tire sold, to fight mosquito-borne diseases, is made permanent instead of ending next January (S.B. 154, Link-Maloney et al.—Washington-McGuire).

Waste Handling. A site that holds non-rotting solid waste for up to 10 days while in transit will not be treated as a pollution control facility if the waste is in its original containers, with capacity not over 500 gallons, and is transferred to a recycling, disposal, treatment, or storage facility within the 10-day transfer period set by federal law (H.B. 3638, Granberg—Noland). □

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State Government & Pensions

The General Assembly voted to change the primary election date in even-numbered years to early February to coincide with other states' Presidential primaries; improve services to veterans having service-connected health problems; require monthly disclosure of investments held by the State Treasurer; require use of efficient lighting in state buildings; and provide for temporary workers referred to public employers by unions to have contributions made to benefit funds on their behalf. Other bills provide for a commission to advise state officials on improving services to Latino families, and honoring military or police members killed on duty.

Adoptee Pension Benefits. Public pensioners' adopted children become eligible for the same benefits as their other children. Eligibility restrictions based on a child's adoption date (currently required to have been some time before the pensioner either died or reached a specified age) are removed (H.B. 49, Feigenholtz-Sommer-Ford-Yarbrough-Graham et al.—Hendon-Cullerton-J.Collins et al.).

Elections. Primary date change. The date of the primary election in even-numbered years is changed from the third Tuesday in March to the first Tuesday in February (February 5 in 2008). Deadlines for filing campaign finance statements, and times when newsletters may not be mailed, are also moved up—including changing semi-annual reporting deadlines from January and July 31 to January and July 20 (H.B. 426, Madigan-Howard-Schock et al.—E.Jones-Link-J.Collins-Noland-Raoul et al.).

Registration. An Election Day Voter Registration Commission, consisting of four legislators and four other members, will study the feasibility of registering voters on election day (H.B. 1753, Lang et al.—Link).

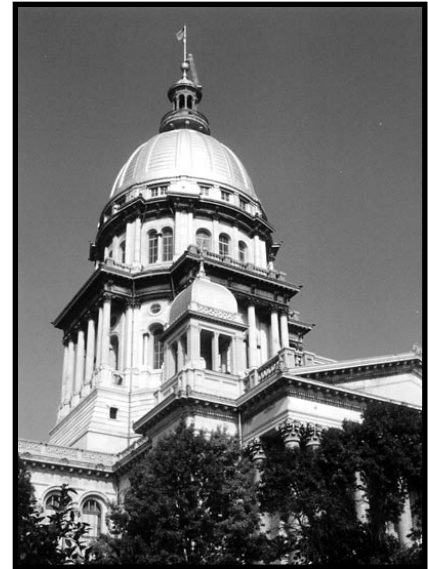
Energy Conservation in Buildings. All buildings owned or leased by the state (unless designated historic or smaller than 1,000 square feet), after

current stockpiles of bulbs are gone, must use Energy Star-labeled light sources where practicable, and dispose of them in hazardous waste recycling facilities (H.B. 1460, Boland-Rose-McGuire-Ford-Froehlich et al.—Garrett-Althoff).

Flags at Half-Staff. When an armed forces member or law enforcement officer residing in Illinois is killed on duty, official state flags are to be flown at half-staff the day of the funeral and the two preceding days (H.B. 3618, Bost-Pihos-J.Bradley-Verschoore-Granberg et al.—Kotowski-J.Jones-J.Collins et al.).

Investments Disclosure. The State Treasurer's Web site must post information at least monthly on state investments, including total amount, asset allocation, benchmarks used, rates of return, and banks holding time deposits—unless exempt under the Freedom of Information Act (S.B. 321, Harmon-J.Collins-Garrett-Kotowski-Millner et al.—Franks-Phelps-Riley-Dugan-Crespo et al.).

Job Applicant Questions. A successfully vetoed bill would have prohibited state job applications from asking whether an applicant has been convicted of or put on supervision for a nonviolent crime; applications could have asked whether an applicant has been convicted of a violent felony, or of any crime that would disqualify for the job sought under federal or



state law. Agencies could still have done criminal background checks, and refused to hire due to a past criminal conviction (H.B. 1332, Ford-Graham-Flowers-Dugan-Washington et al.—Lightford-J.Collins-Raoul-Meeks-Martinez), **total veto stands.**

Latino Family Commission. An Illinois Latino Family Commission will be appointed by the Governor and legislative leaders to advise the Governor and General Assembly, and work directly with state agencies, to improve policies, services, programs, and opportunities for Latino families (S.B. 1746, Delgado-Rutherford-Lauzen-J.Collins-Hultgren et al.—Soto-Froehlich-Hernandez-Berrios-Arroyo et al.).

Lincoln Sites. The Historic Preservation Agency by next January 1 must create a "business plan" for increasing tourism at each Lincoln-related historic site it controls (H.B. 2023, Brauer-Poe-Bellock—Bomke).

Mine Subsidence Insurance. The Mine Subsidence Insurance Fund, with approval of the Director of the Division of Insurance, will set its own coverage limits (now set by law) for policies issued or renewed after 2007 (H.B. 1004, Mautino-Osmond-Brauer-Holbrook et al.—Dahl et al.).

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Transportation

The General Assembly voted to tighten restrictions on young drivers cited for moving violations, and allow parents to view their minor children's driving records; increase regulation of towing companies; and authorize a large number of new kinds of special license plates. (See page 29 for information on the special plates authorized.)

Bicyclist and Pedestrian Safety.

Passing space. Drivers passing bicyclists and pedestrians must stay at least 3 feet from them. A bicyclist may signal a right turn with the right arm pointed rightward (S.B. 80, Maloney-Sieben-Lauzen-Bond-Hultgren et al.—Nekritz-Lang-D'Amico-Winters-Mathias et al.).

Separate ways for bicyclists and pedestrians are to be included in planning and development of roads. In and within 1 mile of urban areas, they are to be established when roads are built or reconstructed, with exceptions. The Department of Transportation will issue design and construction standards for bicycle and pedestrian ways

(S.B. 314, Maloney—Lyons-Fritchey-Ford-Coulson et al.), **amendatory veto overridden.**

Cell Phones. A driver under age 19 (was 18) with a permit or graduated driver's license may not use a cell phone when driving, except for emergency purposes (S.B. 140, Cullerton-Silverstein—D'Amico-Boland-Ford-Froehlich et al.).

Disabled Parking. A second offense of using a disability plate to park when its holder is not in the car will bring a \$750 fine, and a later offense a \$1,000 fine; either kind of repeat offense can also bring license suspension or revocation. The holder of a disability parking device must enter or exit when



the vehicle is parked in a disability space (S.B. 1318, Munoz-Crotty-J.Collins—Washington-McGuire-Jefferies-Pihos et al.).

Driving Records. Parents of a person under 18 who has an instruction permit or graduated driver's license may view the teenager's driving record, and police reports on any blood alcohol testing, on-line (H.B. 518, D'Amico-Mendoza-Lyons-Gordon-Fortner et al.—Cullerton-Munoz-Hunter-Koehler-B.Brady et al.).

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State Government & Pensions

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State Facility Closure. The State Facilities Closure Act (which requires notice to the Commission on Governmental Forecasting and Accountability, and a possible hearing and other proceedings, before closing any state facility in the Executive Branch where at least 25 state employees are based) was to be expanded to all Executive Branch facilities regardless of employment (S.B. 1326, Schoenberg-Forby et al.—Riley-Froehlich-J.Bradley-Granberg et al.), **total veto stands.**

State Fruit. The GoldRush Apple is designated as Illinois' official state fruit (S.B. 199, J.Jones-Luechtefeld-Millner-Lauzen—Reis).

Temporary-Worker Benefits. If state or local government hires workers temporarily through a union hiring hall or similar arrangement, it must agree to make contributions to an employee benefit plan to provide benefits for them (S.B. 1249, J.Sullivan-Bomke—Flider-B.Mitchell-Washington-Boland-Brauer).

Utility Staffing. The Illinois Commerce Commission is to develop benchmarks for adequate employee staffing and training for electric utilities, based on studying the adequacy of each utility's staffing levels in 1995-2006 (H.B. 825, Phelps-Verschoore-Reitz-Beiser-Crespo et al.—Clayborne-Raoul et al.).

Veterans. Medical leave. A state employee who is a veteran may take off 4 (was 2) days per year to visit a

veterans' hospital or (added) clinic for a service-connected disability (H.B. 639, Brauer-J.Watson-Chapa LaVia-Bost-Moffitt et al.—Bomke-Dahl et al.).

Uranium exposure. The Department of Veterans' Affairs must help National Guard veterans exposed to depleted uranium get information on available federal treatment services. All Guard members were to be informed of possible health risks of depleted uranium by October 1. A task force will study the risks and make recommendations for helping persons exposed to depleted uranium (S.B. 597, Harmon-Martinez-J.Collins et al.—Chapa LaVia-J.Bradley-Crespo-Hernandez-M.Davis et al.). □

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Transportation

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DUI Memorial Markers. The Department of Transportation and local governments may place DUI memorial markers to memorialize DUI-related crash victims. Each marker will say “Please Don’t Drink and Drive” and may contain the name(s) of the victim(s). Relatives must promise to discourage placement of other items at the sites (H.B. 1900, Mendoza-Froehlich-Boland-Berrios-Chapa LaVia—Dillard-Althoff-DeLeo-Munoz et al.).

License Plate Covers (even those of clear plastic) are prohibited (S.B. 1265, Munoz—Hoffman).

Neighborhood Electric Vehicles. A neighborhood electric vehicle (as already defined) may cross a state highway at an intersection having a traffic light or 4-way stop, if the speed limit on the crossed highway is not over 35 m.p.h. (H.B. 1875, Sommer—Rutherford).

School Buses may use their strobe lamps at any or all times when carrying a student (formerly only when stopped or moving slowly) (H.B. 1238, J. Watson et al.—Demuzio).

Tinted Windows. Exceptions to the prohibition on tinted windows, which were to expire in January 2008, are made permanent, and will apply to any disease requiring an occupant to be shielded from the sun. But the Secretary of State must issue distinctive plates or stickers for exempted vehicles, which must be replaced annually when a physician re-certifies the disease (H.B. 536, Leitch-Mathias-Tryon—Koehler-Hultgren-Noland-Risinger-J.Jones).

Towing. Those towing damaged or disabled vehicles must be registered with the Illinois Commerce Commission (ICC). Before towing, each tower must give the vehicle owner or operator its business name, a list of charges,

and a list of the owner’s or operator’s rights; afterward it must provide a complete final invoice on request. The tower must have liability insurance, and no waiver by an owner or operator of the right to sue will be valid. Towers of trespassing vehicles weighing over 10,000 pounds are subject to ICC regulation (added to towers of lighter vehicles). The ICC may investigate commercial tow companies’ practices (S.B. 435, Maloney-Althoff-Crotty—McCarthy-D.Brady-Brosnahan-Joyce-Miller et al.).

Young Drivers; Street Racing. A person not taking driver’s education can receive an instruction permit at age 17½ (was 17¾); a person must have had a permit for 9 (was 3) months to get a graduated driver’s license. Teenage drivers who have committed moving violations must have longer violation-free periods to get full licenses and to be relieved of restrictions on having more than one unrelated teenage passenger, using a cellphone while driving, etc. Driving curfews for drivers under 18 (formerly 17) will begin earlier (10 p.m. Sunday-Thursday, 11 p.m. Friday or Saturday), subject to some exceptions. “Street racing” or allowing use of a vehicle for it is prohibited; racers’ vehicles are to be impounded and their licenses revoked, and they may not drive church buses, senior citizen buses, or for-profit ridesharing vehicles for 3 years. A defendant under 21 charged with a moving violation may not get supervision without completing a traffic safety course; a defendant under 18 charged with a moving violation may not get supervision without personal appearance in court and written parental consent (S.B. 172, Cullerton-Munoz-Hunter-Koehler-B.Brady et al.—D’Amico-Cross-Hoffman-Dunkin-Flowers et al.). □

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LRU Publications

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

County Data Book

This statistical compilation collects the major demographic, economic, and political statistics for each Illinois county.

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.

Special License Plates

A large number of special license plates were authorized this year. Most will require paying extra fees to go to named charitable causes, in addition to \$15 to the Secretary of State Special License Plate Fund.

Agriculture teaching. “Agriculture in the classroom” plates may be issued, with net proceeds supporting agriculture education (H.B. 1024, Myers-Cross-Tryon-Bellock-Moffitt et al.—J.Sullivan et al.).

Autism. “Autism Awareness” plates may be issued, with net proceeds going to research and education about autism and autism spectrum disorders (H.B. 2808, Bellock-Pritchard-Osmond-McAuliffe-Froehlich et al.—Delgado et al.).

Golf; Colleges. Illinois Professional Golfers Association Junior Golf license plates may be issued, with net proceeds going to the Illinois Professional Golf Association’s Junior Golf programs. Collegiate plates may be issued to honor colleges in contiguous states that have at least 10,000 alumni in Illinois, with net proceeds used for scholarships for Illinois residents (S.B. 169, Link-Hultgren—Reitz-Saviano).

Military veterans and families. Disabled veterans are divided into two groups: those with 100% disability and those with under 100% disability. Both are eligible for free license plates (referred to as “disabled veterans” and “handicapped veterans” plates respectively) (H.B. 3132, Schmitz-Cross-Bellock et al.—Forby et al.).

Gold Star Plates can be issued to the widowed spouse and the parent(s) of a person who died in military service—or if there is no surviving parent, to the widowed spouse and one sibling. (Formerly, only one set of plates could be issued per Gold Star awarded.) Also, no additional fee will be charged for Gold Star plates (H.B. 167, Moffitt-Reis-Chapa LaVia-Sacia-Beiser et al.—Koehler-Kotowski et al.).

Iraq Campaign and Afghanistan Campaign license plates may be issued to Iraq Campaign Medal or Afghanistan Campaign Medal recipients, with net proceeds helping persons called up from the National Guard or reserves due to the September 11 attacks, or their families. Paratrooper plates may be issued to veterans meeting qualifications set by the Secretary of State (H.B. 161, Granberg-Dugan-J.Bradley-Beiser-Boland et al.—DeLeo). Another bill allows Iraq Campaign or Afghanistan Campaign Medal recipients to apply for Iraq Campaign and Afghanistan Campaign plates for only the \$15 extra fee (S.B. 1575, J.Jones-Bomke-Hultgren et al.—Reis-J.Bradley-Flider-Verschoore et al.).

Korean Service plates may be issued to residents who served in Korea from 1 year after the armistice; \$2 of the fee will go to the Korean War Memorial Construction Fund (H.B. 2783, Sommer-Moffitt-D.Brady—J.Jones).

Support Our Troops plates may be issued, with net proceeds going to Illinois Support Our Troops, Inc. (S.B. 489, Munoz-F.Watson-Meeks-Demuzio-Kotowski et al.—Acevedo).

Ovarian Cancer plates may be issued, with net proceeds going to the National Ovarian Cancer Coalition, Inc. (H.B. 903, Mathias-Froehlich-Moffitt-Boland-Osterman—Martinez).

Rotary; Special Olympics. Rotary Club plates may be issued for \$25 original and renewal fees, with net proceeds going to the Rotary Club Fund. Law Enforcement Torch Run for Special Olympics plates may be issued for \$45 original and \$27 renewal fees, with net proceeds going to the Special Olympics Illinois Fund (H.B. 133, Dunn-Osmond-Riley-Dugan-J.Bradley et al.—Demuzio-Dillard-Wilhelmi et al.).

Scouts. Eagle Scout and Gold Award plates may be issued for scouts holding those ranks; net proceeds go to the Illinois divisions of the Boy and Girl Scouts (H.B. 3395, Tracy-W.Davis-Riley-Black-Brauer et al.—Dillard-Bomke-Hunter et al.).

Sheet Metal Worker plates may be issued, with net proceeds going to the Sheet Metal Workers International Association of Illinois Fund for local chapters’ charities (S.B. 73, Harmon-Millner et al.—Nekritz-Froehlich-Crespo-Washington).

Bills With Governor's Action

All bills summarized in this issue of *First Reading* are listed below. Beside the number of each bill is the Public Act number or other indication of the Governor's action. AV means amendatorily vetoed with a notation "AV-dead" if no positive action was taken, or "AV overridden."

Information on all 2007 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.

Senate bills	Public Act 95-	Senate bills	Public Act 95-	Senate bills	Public Act 95-	House bills	Public Act 95-
4	519	313	272	940	564	156	32
6	16	314	665	1005	347	161	190
8	576		(AV overridden)	1014	423	166	25
14	229	319	472	1023	688	167	34
15	469	321	273	1026	424	170	191
17	633	335	275	1035	685	174	total veto stands
19	406	340	473	1047	425	192	282
21	230	341	276	1094	581	194	192
31	250	360	639	1224	449	201	283
46	657	363	587	1241	452	237	40
	(AV overridden)	364	278	1242	453	251	236
51	251	376	115	1245	427	254	402
55	252	380	413	1249	455	258	43
68	601	396	372	1257	456	263	440
69	253	404	447	1265	29	270	45
73	531	424	299	1293	429	272	285
76	256	435	562	1318	430	285	46
79	257	441	302	1326	total veto stands	286	47
80	231	489	534	1365	431	290	286
97	258	500	17	1391	539	297	196
108	443	505	416	1397	640	351	311
115	362	511	307	1424	613	362	291
121	658	518	total veto stands	1428	461	369	525
	(veto overridden)	533	377	1446	638	407	56
129	259	534	378	1463	680	411	354
133	409	538	308		(veto overridden)	421	57
135	325	550	309	1467	541	426	6
137	350	557	335	1509	513	438	198
140	338	585	27	1560	396	439	292
143	351	593	668	1566		449	199
144	547		(AV overridden)	1575	542	463	63
154	49	597	597	1592	481	486	64
158	563	611	1	1617	588	508	467
166	260	641	671	1625	618	516	66
169	444		(AV overridden)	1704	18	517	200
172	310	649	381	1746	619	518	201
175	532	654	419			536	202
199	328	680	420	House bills	Public Act	572	69
207	total veto stands	697	579		number	615	123
208	total veto stands	715	488	6	33	616	405
214	399	729	580	9	234	620	203
233	312	764	673	17	281	639	72
234	602		(AV overridden)	18	349	642	73
264	445	774	674	33	20	653	549
265	263		(AV overridden)	39	463	664	644
267	264	796	434	49	279		(AV overridden)
273	265	797	435	50	464	670	294
284	411	831	vetoed	132	188	680	74
300	400	843	390	133	523	742	128
303	268	929	7	147	189	809	80
		937	422				

House bills	Public Act number	House bills	Public Act number	House bills	Public Act number	House bills	Public Act number
819	total veto stands	1241	97	1657	280	2023	156
822	550	1242	648	1662	358	2242	159
825	81		(veto overridden)	1684	247	2734	160
892	31	1254	AV-dead	1711	2	2783	162
895	84	1257	208	1729	651	2786	163
900	85	1268	AV-dead		(AV overridden)	2808	226
903	552	1293	total veto stands	1741	219	2858	143
909	total veto stands	1300	145	1743	137	2920	165
928	316	1303	AV-accepted	1744	138	3131	166
943	87	1313	99	1753	441	3132	167
975	317	1332	total veto stands	1759	AV-accepted	3327	168
977	553	1347	241	1795	26	3382	169
979	89	1391	103	1798	3	3394	170
985	341	1403	571	1833	147	3395	320
991	484	1425	210	1839	223	3425	529
1004	92	1439	211	1847	148	3454	171
1019	554	1460	104	1875	150	3455	172
1020	93	1497	AV	1877	151	3512	599
1024	94	1542	356	1881	183	3586	600
1071	318	1557	134	1900	398	3588	360
1076	95	1559	total veto stands	1910	152	3614	560
1080	337	1608	214	1921	vetoed	3618	596
1124	vetoed	1638	108	1922	153	3624	176
1236	60	1647	592	1947	593	3638	177
1238	319	1648	626	1964	155	3678	361
1239	96	1654	total veto stands	1979	625	3766	178

Types of Actions Governor Can Take on Bills

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

Total Veto

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

Amendatory Veto

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

Item and Reduction Vetoes

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

Abstracts of Reports Required to be Filed with General Assembly

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

Aging, Human Services, Public Health, and Healthcare and Family Services Depts.

Annual report on services for minority senior citizens, FY 2004

Profiles Illinois' minority elderly and describes state programs for them in FY 2004. Department on Aging provided services under the Older Americans Act to 511,480 persons aged 55 or older. Of those, 67.8% were non-Hispanic white, 25.2% African American, 3.8% Hispanic, and 2.8% Asian. Department of Human Services provided mental health services to 48,750 aged 55 and older. Of those, 56.6% were non-Hispanic white, 15.5% African American, 4.5% Hispanic, and 1.1% Asian. Department of Healthcare and Family Services provided \$3.1 billion worth of services to seniors under Medicaid, with \$2.7 billion of that going to minority seniors. In 2000 Illinois had 1,500,025 persons 65 or older, of whom 83.8% were non-Hispanic white, 10.4% African American, 3.3% Hispanic, and 1.7% Asian. (20 ILCS 105/4.06; Oct. 2005, 69 pp.)

Administrative & Regulatory Shared Services Center

Summary of results of Executive Order 6 (2006)

No major reorganizations or consolidations have taken place. Center provides human resources and fiscal services for Departments of Central Management Services, Revenue, and Financial & Professional Regulation. Center plans to begin transition to

new reporting structure for some employees in July 2007. One legislative recommendation has been made and submitted to JCAR; it would allow for electronic approval and submittal of vouchers. (15 ILCS 15/11; May 2007, 2 pp.)

Advisory Commission on Pension Benefits

Recommendations on state-funded retirement systems

The Commission voted 13-2 to adopt six recommendations for funding state pension systems: (1) dedicate revenues exceeding a target percentage of growth toward pension funding, and establish a minimum when the target is not met; (2) put all revenues from the sale of state assets toward reducing liabilities, including those of the pension systems; (3) offer incentives for employees to keep working after they achieve the maximum pension percentage; (4) issue pension obligation bonds; (5) explore new revenue sources to reduce the pension systems' debt; and (6) regularly review and determine the affordability of pension benefits. (40 ILCS 5/1A-201(b); Nov. 2005, 5 pp.)

Agriculture, Dept. of

Agricultural areas annual report, 2006

A total of 121,405 acres, 56 ag areas, are protected by the Agricultural Conservation and Protection Act in 23 counties. Amendment to the act specifies acreage amounts and contiguity rules for areas to be protected. (505 ILCS 5/20.1; Dec. 2006, 2 pp. + 1 map)

Arts Council

Annual report, FY 2005

Council's FY 2005 activities included: funding of multiple university and college programs; local theaters and centers for the arts; and as multi-cultural centers and schools—Ukrainian Institute of Modern Art, Suzuki-Orff School for Young Musicians, and Aloy Children's Dance Theatre. Other grants were awarded to art programs—the Peoria Art Guild, Civic Ballet of Chicago, and Illinois Symphony Orchestra—Springfield. The council awarded \$17.7 million in grants. Lists grants by House and Senate districts. (20 ILCS 3915/4; undated, rec'd Sept. 2006; 1 fold-out sheet)

Central Management Services Dept.

Small Business Set-Aside Program, FY 2006

The total value of awards made in FY 2006 under the designation of Small Business Set-Aside purchases was \$38.5 million, with \$5.3 million of the awards made to businesses owned by minorities, women, and persons with disabilities. An additional 1,500 small Illinois companies were registered in the program from January 1, 2005 to June 30, 2006. There were 64 types of set-aside services identified and 36 agencies, boards, or commissions listed as set-aside purchasers. (30 ILCS 500/45-45(f); Nov. 2006, 4 pp.)

Summary of results of Executive Order 10 (2003)

Consolidation of online legal research contracts resulted in a savings of \$469,5934 in FY 2005. Payments for outside legal services were reduced by \$3,857,652. (15 ILCS 15/11; Sept. 2006, 2 pp.)

Supported Employment Program (SEP) annual report, FY 2006

Begun in 1991, the SEP helps state agencies employ people with severe physical or mental disabilities. As of December 2006, there were 12 SEP employees, one of whom was on leave: 1 at Central Management Services, 2 at Department of Children and Family Services, 7 at Department of Human Services, 1 at Prisoner Re-

view Board, and 1 (currently on leave) at Department of Transportation. All 12 employees required job coaches or other support at the time of hiring, but 6 are now able to carry out their duties unassisted. (5 ILCS 390/9; Dec. 2006, 2 pp.)

Commerce Commission

Competition in Illinois retail markets, 2006

Commission estimates that 1997 rate freeze and reductions have saved residential customers \$4.5 billion. As of November 2005, 19 alternative suppliers were authorized to sell to retail customers, although only 10 were actively doing so. In 2005, there were 21,924 nonresidential customers taking delivery of services by retail electric supplier or power purchase option out of 500,636 eligible. (220 ILCS 5/16-120(b); May 2006, 30 pp. + tables)

Public utilities annual report, 2006

Reviews ICC's major decisions and other activities in calendar 2006, and gives overviews of the industries listed. Major electric utilities' 2005 average prices per kilowatt-hour were: Commonwealth Edison 7.80¢; AmerenIP 6.86¢; AmerenCILCO 6.22¢; and AmerenCIPS 5.86¢. Major gas utilities' 2005 average prices per therm were: People's Gas \$1.30; AmerenCIPS \$1.22; North Shore Gas \$1.17; AmerenCILCO \$1.12; AmerenIP \$1.12; and Nicor Gas \$1.01. Also compares rates of major water and sewer utilities, and reviews federal actions affecting state utility service. (220 ILCS 5/4-304; Jan. 2007, 61 pp. + 2 appendices)

Summary of annual reports filed by electric utilities on the transition to a competitive electric industry, 2007

Eight Illinois electric companies submitted information to the Illinois Commerce Commission on their transition to a competitive electric industry. To reduce costs, ComEd decreased operation and maintenance expenses by \$88 million, and MidAmerican made technological improvements

that saved \$2.2 million. Savings from residential rate reductions totaled \$722.7 million in 2006. Since 1998, the cumulative total has been \$5.241 billion. (220 ILCS 5/16-130(10)(c); May 2007, 18 pp.)

Transportation Regulatory Fund annual report, FY 2006

Fund received \$9.04 million and spent \$6.95 million. Nearly \$3.27 million went to regulate motor carriers and \$3.68 for railroads. Income from motor carriers was \$5.85 million, and from railroads \$3.19 million. Fund had 62 employees. (625 ILCS 5/18c-1604; Oct. 2006, 9 pp.)

Commerce and Economic Opportunity Dept.

Build Illinois Revenue Funds, FY 2006

Build Illinois Capital Revolving Loan Fund dropped from \$11,060,082 to \$8,667,071; it provided \$1,885,200 in loans. Illinois Equity Fund dropped from \$3,204,062 to \$1,787,521; it provided \$1,650,000 in disbursements. Build Illinois Large Business Attraction Fund dropped from \$3,999,627 to \$2,669,553; it provided \$1,706,381 in disbursements. (30 ILCS 750/9-9 and 750/10-9; Dec. 2006, 4 pp.)

Energy conservation technical assistance update, 2006

Local governments that have implemented Energy Performance Contracting (EPC) are saving \$6.8 million annually. Over \$4.7 million a year has been saved by seven state facilities through EPC. City of Chicago and Chicago Housing Authority initiated EPCs that will save almost \$15 million per year. The Regional Energy Program had five ongoing grants in 2006 at a total of \$355,000. Lists grantees and grant amounts. (20 ILCS 1115/5; undated, rec'd Apr. 2006, 9 pp.)

Energy Efficiency Trust Fund Program report, 2006

DCEO received approximately \$3 million into the Energy Efficiency Trust Fund to help consumers reduce utility costs. Three programs and one study were funded: (1) Illinois Energy Efficient Affordable Housing Construc-

tion Program; (2) Lights for Learning; and (3) Illinois Home Performance with Energy Star (HPwES) Pilot. The study assessed the Governor's Sustainable Energy Plan. Based on the study, DCEO recommends legislative adoption of the Governor's plan. (20 ILCS 687/6-6(e); undated, rec'd Apr. 2007, 10 pp.)

Enterprise zone annual report, FY 2006

DCEO has designated 95 enterprise zones throughout the state. In FY 2006, investments of \$3.9 billion in these zones created 21,332 jobs and kept 29,085 jobs. From 2004 to 2005, population rose in 49 zones and dropped in 45 zones; the Kewanee zone reported no change. Unemployment dropped in 43 zones and increased in 35; 17 zones had no change. From 2003 to 2004, income per capita rose an average of 2.66%. Describes incentives generally, lists investments and jobs by zone, and population and unemployment by county containing the zone. (20 ILCS 655/6; Oct. 2006, 11 pp.)

Report on opportunities for energy cost reductions, 2006

Assesses the opportunities for energy cost reduction in government buildings based on the Energy Cost Reduction Act of 1991. Highlights three programs Department administers: Energy Performance Contracting Program (EPC) for designing, installing, and financing energy improvement projects; Commercial Energy Code Training & Education Program; and Regional Energy Program community grants for energy efficiency projects. Department recommends repealing or amending the Government Buildings Energy Cost Reduction Act of 1991 to transfer duties under the Act to CMS. (20 ILCS 3953/20(g); Sept. 2006, 5 pp.)

Compensation Review Board

Report, 2006

Board recommended (1) salary increases for state officials equal to cost-of-living-adjustments (COLAs) for

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Abstracts of Reports Required to be Filed With General Assembly

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fiscal years 2003, 2004, and 2005 that were not awarded; (2) salary increases for state's attorneys equal to fiscal year 2003 COLAs that were not awarded; and (3) setting salaries of Associate Judges to 95% of Circuit Judges' salaries. The Board Chairman's letter suggests amending the Compensation Review Act to move filing of biennial reports from election years to odd-numbered years. (25 ILCS 120/4; March 2006, 21 pp.)

Corrections, Dept. of

*Quarterly report to the legislature,
October 1, 2006*

There were 45,661 inmates in all adult facilities on August 31, 2006. This was 956 under the 46,617 projected for August 2006. The total population in adult transition centers was 1,306, 26 over the total capacity of 1,280. There were 11,227 inmates participating in educational and vocational programs. The ratio of security staff to inmates is 0.185. A majority of inmates, 66%, are double-celled with approximately 37 square feet of actual living area per inmate. (730 ILCS 5/3-5-3.1; Oct. 2006, 16 pp.)

Disability Services Advisory Committee

Status report, 2006

Governor Blagojevich formed the Committee in 2004 to develop and implement a plan to ensure Illinois' Compliance with the Americans with Disabilities Act and the *Olmstead* decision. The Committee has 10 focus areas for FY 2007: (1) develop a cross-disability management information system; (2) make state-level policy, funding, and service development decisions timely instead of reactive; (3) develop plans by category with adequate funding; (4) develop plans that support housing choices; (5) develop plans that provide choice of provider; (6) provide equitable

access to services; (7) develop a cross-disability quality management plan; (8) develop workforce development and stabilization plans; (9) identify funding sources; and (10) provide training and improved support for navigating the disability system. (20 ILCS 2407/20 (d); July 2006, 27 pp. + 4 appendices)

Education, State Board of

*Waivers of School Code mandates,
fall 2006*

Summary chart classifies 212 requests for waivers into 8 categories and lists their status: content of evaluation plans (1 transmitted to GA); driver education (8 transmitted to GA, 1 withdrawn or returned); legal school holidays (154 approved, 15 withdrawn or returned); limitation of administrative costs (5 transmitted to GA); parent-teacher conferences (6 transmitted to GA, 1 withdrawn or returned); physical education (10 transmitted to GA, 1 withdrawn or returned); school improvement/in-service training (5 transmitted to GA, 1 withdrawn or returned); substitute teachers (2 approved, 1 transmitted to GA, 1 withdrawn or returned). Section I describes the 36 requests transmitted to the General Assembly. Section II describes the 156 requests approved by ISBE. Section III describes the 20 requests withdrawn or returned. (105 ILCS 5/2-3.25g; Sept. 2006, 61 pp. + Executive Summary)

Entrepreneurship Network Business Information Center

Annual report, 2006

The Center is a statewide resource for businesses with questions about state and federal requirements, regulatory processes, and assistance. In 2006 it helped 18,977 clients; answered questions for 6,108 clients on licensing and registration, 4,703 on financial sources; and issued 3,734 startup kits, 428 on market research, 312 on government contracting, and 52 on international trade. The Center has translated its most popular publications, such as the handbook *Starting*

a Business in Illinois, to Spanish and provides a bilingual customer service representative for Spanish-speaking clients. (20 ILCS 608/15(q); Mar. 2007, 11 pp.)

Environmental Protection Agency

Nonhazardous solid waste management and landfill capacity annual report, 2005

Illinois' 51 landfills received 52.3 million gate cubic yards (15.8 million gate tons) of waste, 2.7% less than in 2004. Total landfill capacity was reduced by 0.6% to 980.4 million gate cubic yards, good for 19 years at 2005 disposal rates. Waste was disposed of as follows: 61.3% was landfilled, 37.1% recycled, and 1.5% composted. (415 ILCS 20/4; Oct. 2006, 21 pp. + appendices, maps, and tables)

Government Forecasting and Accountability, Commission on

Wagering in Illinois, 2006

Examines the impacts of state lottery, horse racing, and riverboat gambling on Illinois' economy. State lottery transferred \$670.5 million into the Common School Fund, up 9.2% from FY 2005; riverboat gambling transferred to the Education Assistance Fund and deposited into the Common School Fund a total of \$689 million, down 1.4% from FY 2005; and horse racing collected an estimated \$11 million in state revenue, down 8.3% from calendar year 2005. Two laws attempted to boost horse racing revenues: P.A. 94-805 lowered the pari-mutuel tax from 1.5% to 0.25% for Fairmount Park, and P.A. 94-806 obligates four Illinois riverboats to deposit 3% of gross earnings to the Horse Racing Equity Trust Fund, but is being challenged in court as unconstitutional. (S. Res. 875 (1991); Sept. 2006, 42 pp. + tables and charts)

Higher Education, Board of

Annual report on public university revenues and expenditures, FY 2006

Illinois public universities (Chicago State, Eastern, Governors State, Illinois State, Northeastern, Northern, Southern, University of Illinois, and Western) reported approximately \$5.2

billion in revenues and \$5.1 billion in expenditures for fiscal year 2006. State-appropriated funds were the largest source of revenue at 25.4%. From FY 2005 to FY 2006, expenditures from all fund sources grew 4.6% from about \$4.9 billion to \$5.2 billion. The largest overall expenditure by object was for personal services, 54.4% of total funds in FY 2006. The largest overall expenditure by function was for instructional programs, 26.9% of total funds in both FY 2005 and FY 2006. (30 ILCS 105/13.5; Oct. 2006, 133 pp., 4 tables, 5 figures, 5 appendices)

Human Services, Dept. of

Autism Program report, January 2006
Discusses implementing a service system for persons affected by Autism Spectrum Disorder (ASD). Guidelines include providing responsive and consumer-driven administrative policies; using all available funding sources to finance services for persons with ASD; and disseminating information about ASD to the public. State fiscal year 2005 showed an increase in state funding, quality programs and service providers, and accessible resources. Plans include establishing new outreach centers; creating certification programs for new and existing providers; increasing access to autism resources state-wide; and collaborating with state universities for funding and various other resources. (20 ILCS 1705/57.5; Jan. 2005, 36 pp.)

Inspector General's combined reports on abuse and neglect in long-term facilities and domestic abuse of adults with disabilities, FY 2006

The Inspector General received 2,339 allegations of abuse and neglect at facilities (921), agencies (893), and in domestic settings (525), including exploitation. Of these, 1,215 were physical, 584 neglect, 372 mental, 122 sexual, and 46 exploitation. Facilities and agencies filed 259 (17%) self-reports late in FY 2006; 208 (80%) of these were from agencies. Eighty-three employees were reported to the Nurse Aid Registry; this totaled 85 referrals as one employee was reported

on three separate substantiations. Of these 85 referrals, 73 were for physical abuse, 11 for sexual abuse, and one for egregious neglect. Average time to complete an investigation was 53 days per case, up from 48 in FY 2005. Inspector General closed 2,353 cases, of which 2,031 were not substantiated. There were 322 substantiated cases, 228 abuse, 91 neglect, and 3 exploitation. Lists entities receiving allegations, and includes case disposition and staffing levels by facility. (20 ILCS 2435/60 and 210 ILCS 30/6.7; Sept. 2006, 43 pp.)

Report of the Community Integrated Living Arrangement Nursing Services Reimbursement Work Group, FY 2006
Work Group recommends: (1) increasing base nursing hours provided to least medically complex participants to 19.5 hours per year: 18 LPN hours and 1.5 RN hours; (2) establishing graduated levels of base nursing that correspond to individuals' range of Health Care Levels reflected in the Health Risk Screening Tool; (3) increasing staffing ratios of RNs and LPNs by Health Care Level; and (4) increasing CILA wage rates to the 2005 Bureau of Labor Statistics Illinois state average rates of \$17.05 per hour for LPNs and \$25.71 per hour for RNs without fringe benefits, or \$20.46 for LPNs and \$30.85 for RNs, inclusive of 20% fringe. Estimates that implementing all recommendations would cost \$4.6 million per year. (S.Res. 514 (2006); Oct. 2006, 26 pp. + 6 appendices)

Investment, State Board of

Report on emerging money managers, FY 2006
ISBI allocated \$230 million to one minority manager. Two new emerging money managers received a total of \$105 million. Four existing money managers received an increase of \$72.5 million. The percentage of ISBI portfolio assets managed by female and/or minority owned firms totaled \$2.4 billion (21.6% of its total assets). ISBI used its first emerging female-owned transition management firm

in FY 2006. Minority broker/dealer commissions totaled 41% of all domestic equity commissions, up from 36% in FY 2005. (40 ILCS 5/1-109.1 (4); Aug. 2006, 3 pp.)

Juvenile Justice, Dept. of

Quarterly report to the legislature, October 1, 2006
Public Act 94-696 created the Department of Juvenile Justice from the Juvenile Division of the Department of Corrections. There were 1,468 youth in all juvenile institutions, less than the rated capacity of 1,754. There were 1,362 juveniles in educational and vocational programs. Juveniles in single cells are 44% of the population; double cells, 49%; and multi-cells, 7%. (730 ILCS 5/3-5-3.1; Oct. 2006, 11 pp.)

Legislative Information System

Biennial report, 2005-2006
Development of a new voting system for the Senate began in 2004, and was implemented in the 94th General Assembly. Similar work for the House began in 2006, in conjunction with chamber renovation. The new voting system will be implemented in the 95th General Assembly. Fiscal year 2007 appropriation is \$7.11 million. (25 ILCS 145/5.07; April 2007, 35 pp.)

Legislative Reference Bureau

Review of cases through 2006

Major Illinois Supreme Court holdings:

- (1) "Blanket" commutation of all death sentences is a partial pardon and survives reversal of conviction for inadequate trial counsel, and
- (2) annexation agreement between municipality and landowner overrides Counties Code and vests building code jurisdiction in the municipality.

(continued on p. 36)

Abstracts of Reports Required to be Filed With General Assembly

(continued from p. 35)

Major Illinois Appellate Court holdings:

(1) Imposition of a fee for spinal cord injury research upon conviction of unlawful possession of a controlled substance violates defendant's due process rights; (2) mandatory irrebuttable presumption of parental unfitness due to physical abuse of child is unconstitutional denial of equal protection of the laws; (3) including

aggravated kidnapping among sex crimes that trigger sex offender registration is unconstitutional as applied to a defendant without a history of sex offenses and whose crime was without sexual motive; and (4) certain communications between a judge and law clerk with regard to pending cases are privileged.

Federal District Court holding:

The Violent Video Games Law and the Sexually Explicit Video Games Law violate First Amendment right of freedom of speech. (*Note: The U.S. Court of Appeals in Chicago affirmed.*) (25 ILCS 135/5.05; Nov. 2006, 118 pp.)

special promotions, and lottery retailers. Includes financial statements. (20 ILCS 1605/7.8; undated, rec'd Dec. 2006, 16 pp.)

Transportation Dept.

Highway Improvement Program, FY 2008-2013

The \$10.875 billion, 6-year plan includes \$7.037 billion in federal, \$3.128 billion in state, and \$710 million in local funds. It proposes to repair 4,192 miles of roads, and replace or rehabilitate 957 bridges. Tentative projects include improving portions of US 67 Corridor (\$132 million); Interstate 80 from Henry County Line to west of Illinois 251 in Bureau and LaSalle Counties (\$95.7 million); Dan Ryan Expressway (\$47.7 million); Bishop Ford Expressway (\$20.4 million); and Macomb to Peoria Corridor of Illinois 336 (\$12 million). (20 ILCS 2705/2705-200; undated, rec'd Apr. 2007, CD-ROM, 18 pp. of Executive Summary)

FIRST READING

A publication of the Legislative Research Unit

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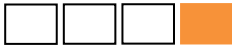
David R. Miller
Editor

Dianna Jones
Composition & Layout

Lottery

Annual report, FY 2005

Sales were \$1.84 billion; transfers to the Common School Fund were \$614 million. Lottery operating expenses were 3.3% of sales. Prizes awarded were \$1.04 billion. Overviews games,

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