

## 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 the Governor’s action on each of them. A total of 353 bills passed both houses during the 2006 spring session. This issue summarizes 181 bills of general interest in 13 categories.

Major issues addressed were fighting identity theft and protecting minors. Starting next January, any consumer can order a credit report “freeze” to deter credit fraud. Other measures will limit businesses’ use of data from drivers’ licenses and state identification cards, and ban state agencies from putting personal information in the trash. Several successful bills will require closer monitoring of and restrictions on released offenders, especially child sex offenders.

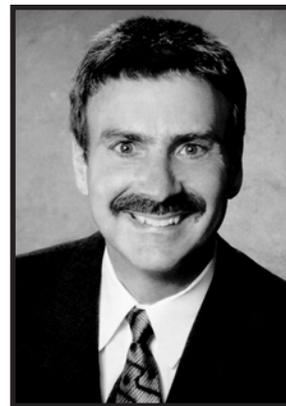
Other bills will require tattooing and body piercing places to register and be inspected for health conditions; increase the protection of underground miners; and promote employment of veterans of recent wars.

Page 34 of this issue gives Public Act numbers for bills that have been signed or have become law without the Governor’s signature, and information on vetoes. Information on all bills of the session is available on the World Wide Web at: [www.ilga.gov/](http://www.ilga.gov/)

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# Appropriations & State Budget

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The state budget enacted for fiscal year 2007 is \$56.0 billion—3.8% above last year’s \$54.0 billion. Appropriations from the General Revenue Fund rose 5.3%, from \$24.5 billion to \$25.7 billion; appropriations from other state funds and federal funds rose 2.6%, from \$29.5 billion to \$30.3 billion. The budget has fluctuated in recent years from \$52.7 billion in fiscal year 2003 to \$66.3 billion in fiscal 2004, dropping to \$54.7 billion in fiscal 2005 and \$54.0 billion in fiscal 2006 before rising again to \$56.0 billion in fiscal 2007.

The agencies getting the largest dollar increases were the Department of Transportation (\$970 million, +12.9%); State Board of Education (\$420 million, +5.0%); Teachers’ Retirement System (\$204 million, +29.8%); Department of Human Services (\$185.5 million, +3.5%); and Environmental Protection Agency (\$133 million, +11.2%).

The Department of Transportation’s increase includes grants to the Regional Transportation Authority for paratransit services; grants to Amtrak, Downstate mass transit systems, and Downstate airports for operational assistance; and money for various Road Fund projects. The State Board of Education’s increase reflects appropriations for several new programs including Universal Preschool, a pilot project for class size reduction, Kindergarten +, Principal Mentoring, and the Children’s Mental Health Partnership, along with increases in General State Aid and categorical funding.

The Teachers’ Retirement System increase reflects an increase in state contributions to that pension system. Total appropriations to all five state-supported retirement systems are up \$297 million (+33.4%). The Department of Human Services increase includes a 3% inflation adjustment for several program areas including community services, crisis nurseries, delinquency prevention, and additional prevention and related services. The increase also reflects expansion of the Home Services Program and Childcare Services due to higher enrollments. The EPA’s increase reflects an increase in reimbursements to tank owners and

operators for cleaning up leaking underground storage tanks.

The largest dollar declines are in the budgets of the Capital Development Board (\$362 million, -17.6%); Emergency Management Agency (\$170 million, -26.3%); Department of Central Management Services (\$75 million, -7.2%); State Board of Elections (\$23 million, -16.0%); and Court of Claims (\$9 million, -16.4%). The CMS decline reflects the transfer of some administrative services into a shared services center. The State Board of Elections decline reflects a decline in federal Help America Vote Act funding. The Emergency Management Agency also saw a reduction in federal funds. The Court of Claims decline represents reductions in retirement lines.

Elementary and secondary education gets \$625 million (+6.9%) more from all funds than last year. Local education’s share of the total state budget expanded from 16.7% to 17.2% (see Figure 1). Its share of General Revenue Fund spending rose more, from 27.8% to 28.8%. The Foundation spending level per student in 2006-07 will be \$5,334, up \$170. Total fiscal year 2007 appropriations to local public schools are \$9.6 billion.

State college and university funding rose \$193 million (7.3%) to \$2.8 billion; the percentage of the state budget going to higher education rose slightly, from 4.9% to 5.1% (see Figure 1). But higher education’s share of General Revenue Fund spending declined from 9.0% to 8.6%.

No increases in general obligation or Build Illinois bonds were authorized.

The General Assembly appropriated \$426.8 million from the Tobacco Settlement Recovery Fund for the following purposes: Illinois Cares Rx Program, \$375.2 million; medical research, treatment, and health programs, \$25.3 million; tobacco prevention and control, \$12.4 million; “circuit breaker” property tax relief and pharmaceutical assistance programs, \$8.9 million; capital maintenance, \$3.9 million; oversight, enforcement, and implementation of the Master Settlement Agreement, \$870,000; other programs, \$281,124.

Total appropriations exceeded the Governor’s budget recommendation by \$645.2 million. New appropriations are \$48.97 billion; the remaining \$7.03 billion consists of reappropriations. (Actual reappropriations will be slightly less, because some funds will have been spent between the time of the budget requests and the fiscal yearend.)

## Budget

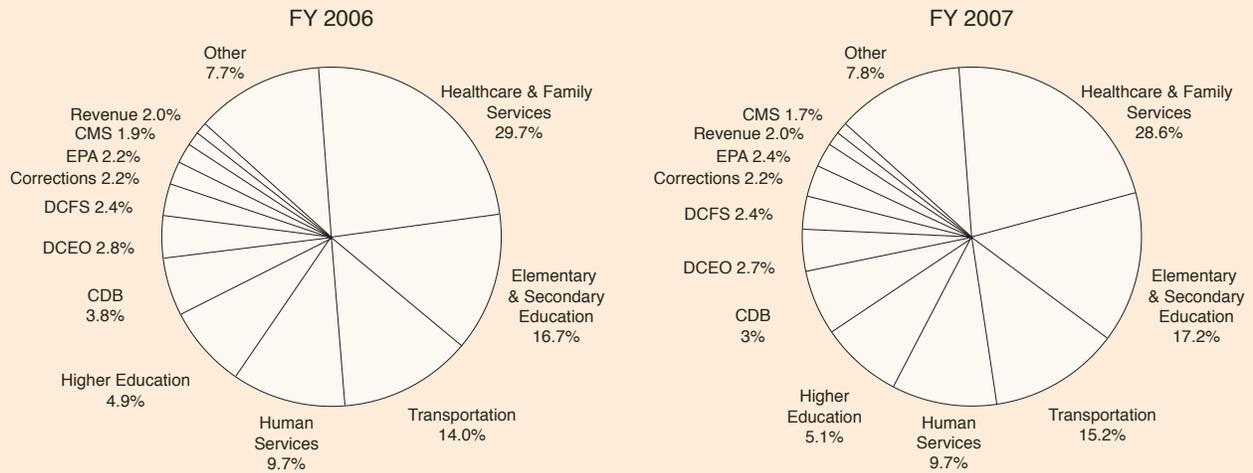
**P.A. 94-798**, enacted by S.B. 1520 (Trotter-Schoenberg-Hunter-J.Collins—Madigan-Hannig-Burke-M.Davis).

## Budget Implementation

**P.A. 94-839**, enacted by S.B. 1977 (Schoenberg-Trotter-J.Collins—Madigan-Hannig). □

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



**Appropriations From All Funds (billions)**

	FY 2006	Share of '06 total	FY 2007	Share of '07 total	Change
Healthcare & Family Services	\$16.0	29.7%	\$16.0	28.6%	\$0.0
Education (local)	9.0	16.7	9.6	17.2	0.6
Transportation	7.5	14.0	8.5	15.2	1.0
Human Services	5.2	9.7	5.4	9.7	0.2
Higher Education	2.6	4.9	2.8	5.1	0.2
CDB	2.1	3.8	1.7	3.0	-0.4
DCEO	1.5	2.8	1.5	2.7	0.0
DCFS	1.3	2.4	1.3	2.4	0.0
EPA	1.2	2.2	1.3	2.4	0.1
Corrections	1.2	2.2	1.2	2.2	0.0
Revenue	1.1	2.0	1.1	2.0	0.1
CMS	1.0	1.9	1.0	1.7	-0.1
All others	4.2	7.7	4.4	7.8	0.2
Total appropriations*	\$54.0*	100.0%	\$56.0*	100.0%	\$2.1*

\* Totals may not add exactly due to rounding.

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# Business & Economic Development

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*The General Assembly voted to create economic development authorities in parts of central and southern Illinois; require electric utilities to offer time-of-day pricing to residential customers; increase safety for underground miners; protect water customers; regulate persons claiming to help homeowners with tax delinquencies or mortgage defaults; and require more disclosure by persons receiving vehicles donated for charity.*

**Business Location Incentives.** An applicant to the Department of Commerce and Economic Opportunity (DCEO) for tax benefits may be eligible for extra benefits if its project is in an area with affordable housing and/or transportation for workers. In such an area, or a labor surplus area, an applicant may get up to 10% more than the maximum tax credit under the Economic Development for a Growing Economy program, or receive other adjustments by the Department. For a project not in such an area, DCEO may give extra assistance for submitting an employee housing and transportation remediation plan and creating jobs in a labor surplus area. The Department must report annually on such assistance, and end assistance to companies making inadequate progress or failing to report on progress (S.B. 2885, Link-Sandoval-Martinez-J.Collins et al. — Ryg-Kelly-Dugan-Chapa LaVia-W.Davis et al.).

**Digital Divide Grants.** DCEO's Community Technology Center Grants may be used for information tracking and reporting to DCEO and aiding participation in digital government and consumer service programs (added to existing purposes). The annual limit per grant rises from \$50,000 to \$75,000. A new Digital Divide Elimination Working Group will seek money for the Digital Divide Elimination Fund and find programs to advance digital literacy and computer access. DCEO may be appropriated up to \$100,000 annually for a Statewide Community Technology Center Network for local technology planning and revenue development (H.B. 3650, Howard-

Patterson-Munson-Colvin-Yarbrough et al. — Harmon-Raoul-del Valle-Dillard-Trotter et al.).

**Distressed-Property Consultants.** A person claiming to help an owner of residential property get out of default or pay overdue taxes must offer a written contract including a description of services to be provided; compensation; and property owners' rights. Persons buying interests in distressed property, but allowing owners to keep interests in it, must provide notarized written contracts giving listed information. An owner may cancel a contract within stated times after making it. Misrepresentation, and specific activities unduly influencing owners, are restricted or prohibited (S.B. 2349, J.Collins-Link-Trotter-Wilhelmi-Schoenberg et al. — Colvin-Yarbrough-Giles-Washington-Graham).

**Economic Development.** *Central Illinois.* A 15-member Central Illinois Economic Development Authority will promote development in Calhoun, Christian, DeWitt, Greene, Jersey, Logan, Macon, Macoupin, Menard, Montgomery, and Sangamon Counties. It will include the DCEO Director; three persons appointed by the Governor; and 11 appointed by county board chairpersons. With the Governor's approval, it can borrow up to \$250 million for projects or venture capital investments (H.B. 4147, Flider-B.Mitchell-Hannig-Brauer-J.Watson — Demuzio-Bomke).

*Southern Illinois; riverfront development.* A 21-member Southern Illinois Economic Development Authority will promote development in Alexander,



Franklin, Gallatin, Hardin, Jackson, Johnson, Massac, Perry, Pope, Pulaski, Randolph, Saline, Union, and Williamson Counties. It will include the DCEO Director; six persons appointed by the Governor; and 14 appointed by county board chairpersons. With the Governor's approval, it can borrow up to \$250 million for projects or venture capital investments.

DCEO may certify one pilot River Edge Redevelopment Zone each in Aurora and East St. Louis. They must adjoin rivers and have at least 100 acres of "environmentally challenged" land within 1,500 yards of riverfronts. Various kinds of grants, tax credits and abatements, and other incentives may be offered to businesses in these zones (S.B. 17, Forby-Sandoval-Clayborne et al. — Chapa LaVia-Phelps-J.Bradley-Saviano et al.).

**Hiring Grants.** DCEO is to offer grants to expand employment of "target populations" chosen by DCEO in the building trades in areas of the state it selects. Workers in programs receiving the grants are to work toward becoming journeymen in building-trades unions. DCEO must report to the Governor and General Assembly each December 31 on results of the program (S.B. 1977, Schoenberg-Trotter-J.Collins — Madigan-Hannig).

**Mine Safety.** The Department of Natural Resources will use the Illinois Emergency Management Agency's

telecommunications center for communication in coal mine emergencies. Mine rescue stations must be certified by the federal Mine Safety and Health Administration. Each mine operator must provide personnel for rescue teams based at rescue stations. Each underground miner must have a device with at least 1 hour's oxygen within 25 feet (farther with Mining Board approval), and carry a wireless emergency communications device and wireless tracking device. Underground mines must have rescue chambers, barricading materials, nylon cords for miners to link themselves together, and equipment for methane extraction. Contractors and surface supervisors of underground coal mines must be certified by the Mining Board and meet other requirements. A Mine Technology Task Force will make further mine safety recommendations (S.B. 929, Forby-E.Jones-Demuzio et al. — Reitz-Black-J.Bradley-B.Mitchell-Phelps et al.).

**Utilities. Electricity pricing.** Any electric utility with over 100,000 customers must propose a way for residential customers to choose rates varying by the hour with demand, starting next January. The Illinois Commerce Com-

mission (ICC) may approve if it finds that expected demand reductions from such pricing will benefit customers. If a utility's proposal for such "real-time" pricing is approved, it must offer relevant education and customer assistance (S.B. 1705, Harmon-Garrett-J.Collins-Sieben-Jacobs et al. — Scully-Currie-Hamos-Flowers et al.).

**Terrorism protection.** Each public utility (now only electric utilities) must have a security policy restricting access to its equipment and electronic systems. It also must annually certify that it has such a policy and has held at least one practice exercise in the last year (H.B. 4419, D'Amico-Holbrook-J.Lyons-M.Davis et al. — Haine).

**Water rates and service.** The ICC Web site must give information on water customers' rights and obligations. Limits are imposed on how soon water or sewer service may be ended after notifying the customer. Water meters must be tested periodically and upon customer request (no more than once in 2 years). Customers with separate meters for water reaching and not reaching sewer systems must get separate rates for sewer service. Customers must get notice of a public hearing

before any rate increase (H.B. 5555, Kosel-McCarthy-Granberg — Clayborne-Radogno-Crotty et al.).

**Vehicle Donations.** Professional fundraisers that collect or resell motor vehicles or watercraft for charitable groups must give detailed information on each such vehicle in their annual financial reports. Less detailed disclosure requirements apply if such a fundraiser does *not* send proceeds to a charitable group (H.B. 4315, Brosnahan-Mathias-Joyce-Fritchey-Hultgren et al. — Millner-Maloney-Althoff).

**Wages.** An employee paid below minimum wage may sue for 2% of underpayments per month they remain unpaid (as an alternative to collection by the Department of Labor for the employee, and in addition to other damages). The Department may subpoena witnesses and documents when investigating minimum-wage cases (S.B. 2339, del Valle-Sandoval et al. — Delgado-McKeon-Soto-Washington-Golar et al.). □

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## Legislative Support Services Web Sites

Joint Committee on Administrative Rules: [www.ilga.gov/commission/jcar/default.htm](http://www.ilga.gov/commission/jcar/default.htm)

Commission on Government Forecasting and Accountability: [www.ilga.gov/commission/cgfa/cgfa\\_home.html](http://www.ilga.gov/commission/cgfa/cgfa_home.html)

Legislative Audit Commission: [www.ilga.gov/commission/lac/lac\\_home.html](http://www.ilga.gov/commission/lac/lac_home.html)

Legislative Ethics Commission: [www.ilga.gov/commission/lec/default.asp](http://www.ilga.gov/commission/lec/default.asp)

Legislative Information System: [www.ilga.gov/commission/lis/default.asp](http://www.ilga.gov/commission/lis/default.asp)

Legislative Inspector General: [www.ilga.gov/commission/lig/default.asp](http://www.ilga.gov/commission/lig/default.asp)

Legislative Printing Unit: [www.ilga.gov/commission/lpu/lpu\\_home.html](http://www.ilga.gov/commission/lpu/lpu_home.html)

Legislative Reference Bureau: [www.ilga.gov/commission/lrb\\_home.html](http://www.ilga.gov/commission/lrb_home.html)

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

Office of the Architect of the Capitol: [www.ilga.gov/commission/oac\\_home.html](http://www.ilga.gov/commission/oac_home.html)

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# Civil Law

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*The General Assembly voted to recodify the law of eminent domain after last year's major U.S. Supreme Court decision on the topic. Other bills that passed both houses will allow any persons to "freeze" their credit reports to prevent identity theft; allow tenants in private housing, if threatened with domestic or sexual violence, to move out without completing their leases; and offer further legal protection to persons called to active military duty and military veterans.*

**Children. Adoption.** These existing grounds for declaring a parent unfit, preliminary to allowing adoption of the child, are declared to create only rebuttable presumptions of unfitness (which can be overcome by clear and convincing evidence): two or more findings of physical abuse under a section of the Juvenile Court Act of 1987, with the most recent supported by clear and convincing evidence; a conviction, or finding of not guilty by reason of insanity, of any act of physical abuse that caused death to any child; and a finding of child abuse under that section of the Act due to the death of a child. Two grounds are added for finding a parent depraved (another criterion for unfitness): heinous battery, and aggravated battery (in each case of any child). But no conviction or adjudication under Article 5 of the Juvenile Court Act of 1987 will count as a conviction supporting a presumption listed above (S.B. 2738, Maloney—Lindner-Feigenholtz-Chapa LaVia-Jakobsson).

**Birth due to sex crime.** A man who fathered a child by incest or a sex crime involving force or threat cannot get custody or visitation of the child without consent from the child's mother or guardian; his support obligations are unaffected (S.B. 2162, Harmon-Haine et al.—Saviano et al.).

**Health insurance.** If a parent ordered to pay child support cannot get health insurance for the child, the court must order that parent to pay 50% (and may order that parent to pay 100%) of the

other parent's premium for health insurance on the child (H.B. 4383, Bellock-Meyer-Coulson-Hamos-Tryon et al.—Dillard-Millner-Althoff).

**Visitation.** A grandparent, great-grandparent, or sibling of a child 1 year or older may intervene in a divorce proceeding, or petition in a separate action, for visitation if one parent has unreasonably denied visitation and (1) the other parent is deceased or has been missing 3 months; (2) either parent is legally incompetent or has been imprisoned the last 3 months; or (3) the parents are in divorce court and at least one of them does not object to such visitation (these three qualifying criteria are added to those already in the law). In a related-child adoption, any biological grandparent, great-grandparent, or sibling of the child can petition for visitation. In addition to existing criteria for deciding on visitation, the judge may consider whether a petitioning grandparent, great-grandparent, or sibling was the child's primary caretaker for at least half of one year. A parent of the child may, at any time, cite changed circumstances and petition to alter visitation (H.B. 4357, Lindner-L.Jones-Bellock-Feigenholtz-Chapa LaVia et al.—Cullerton-Raoul et al.).

**Courts.** The number of circuit judges in the 19th Circuit (now consisting of Lake and McHenry Counties)—presently 7 but required by previous law to rise to 8 this December—is instead to be 6 after the new 22nd Circuit, consisting only of McHenry County,



is split off from the 19th. The number of circuit judges in the new 22nd Circuit—required by previous law to be 4—is instead to be 3 starting in December. Another provision says that if this act is held unconstitutional, the number of judgeships is to be 5 in the 19th Circuit and 2 in the 22nd Circuit as under previous law. The number of judges in the 12th Circuit (Will County) is reduced from 13 to 12 (S.B. 1681, Link—Yarbrough-Currie-et al.). (This act, **P.A. 94-727**, was struck down by a Sangamon County judge April 14; the Illinois Supreme Court will hear the appeal.)

**Credit Freezes.** Starting next January 1, any consumer (now only identity theft victims) may get a credit-report freeze upon request by certified mail to a credit reporting agency and a fee up to \$10 (no fee may be charged to start or end a freeze on an identity theft victim, or a person 65 or older). A credit reporting agency must have procedures to honor requests for temporary thaws, including accepting mailed and electronic requests. Along with exemptions under current law, freezes will not apply to use of credit reports for insurance underwriting (S.B. 2310, Cullerton-J.Collins-Harmon-Hunter et al.—Colvin-Jefferson-Coulson-McKeon-Yarbrough et al.).

**Eminent Domain.** A new Eminent Domain Act (applying to condemnation suits filed after 2006) limits the public taking of private property,

approximately codifying standards applied by Illinois courts in recent decades. If a taker of private property will transfer it to another private owner, it must be put to a use that is “primarily for the benefit, use, or enjoyment of the public” and has a necessary public purpose. Elimination of blight is rebuttably presumed to meet those standards, as is acquisition of property for public utility purposes using methods previously authorized. More specific standards can be used by local authorities for described kinds of projects. The O’Hare Modernization Project, and tax increment redevelopment plans that were already operating under part of the Municipal Code on April 15 of this year, will not be affected by the requirements stated above.

Article 7 of the Code of Civil Procedure (“Eminent Domain”) is repealed and replaced by generally similar provisions in the new Act. Persons displaced by eminent domain must be paid relocation costs (except in the O’Hare Modernization Project). If a property owner, at least 14 days before trial of an eminent domain action, offers to take a specified amount for the property, but the condemnor refuses and is later ordered to pay as much or more, the owner can get attorney’s fees calculated as listed percentages of the “net benefit” (which may include non-monetary factors if quantifiable); again the O’Hare Modernization Project is exempted (S.B. 3086, Garrett-Cronin-Millner-J.Collins-Schoenberg et al. — J.Bradley-Franks-Washington-Winters-Lindner et al.).

**Military Relief.** The Attorney General may impose a \$1,000 civil penalty on a utility (including municipal utilities), insurer, creditor, cell phone company, or motor vehicle lessor for violating rights created by a 2005 act of persons called to military service. Proceeds will go to the Illinois Military Family Relief Fund (H.B. 4703, Chapa LaVia-Dugan et al. — Harmon et al.).

**Mobile Home Parks.** If a mobile home park owner’s stock is traded on a national exchange, the owner is to offer leases of at least 2 years; prospective tenants can take 5 business days to cancel lease and/or purchase contracts; no more than 2 months’ rent is to be charged for cancelling a lease; a tenant who must leave temporarily due to illness or disability can allow a relative or relatives to live in the home until the tenant returns; and an expiring lease will be automatically renewed for 2 years with the same terms unless either party gives notice of nonrenewal (with reasons if nonrenewal is by the landlord), the landlord decides to close some or all of the park and gives at least 12 months’ advance notice, or the landlord follows the procedures described next. A park owner seeking to change the terms of a lease, such as rent, is to give at least 6 months’ notice. A tenant not accepting the proposed terms may start a binding appraisal process to set rent for the next 2 years (H.B. 5377, Munson-Dugan-Schmitz-Mulligan-Nekritz et al. — Halvorson-Garrett-Martinez-Crotty-J.Collins et al.), **vetoed**.

**Name Changes.** The list of crimes barring an offender from getting a name change is expanded to include identity theft. Persons convicted of any of several sex crimes are permanently barred from getting name changes (previously only as long as they had to register as sex offenders) (H.B. 4179, Osmond-Munson-Beaubien-Mathias-Pihos et al. — Peterson et al.).

**Tenant Safety.** A tenant (except in public housing) will have an affirmative defense to a suit for rent that the tenant moved out due to actual or threatened domestic or sexual violence and gave prompt notice to the landlord of the reason (with some evidence in the case of actual violence). If all

lessees of a residential unit (except in public housing) ask the lessor in writing to change the locks due to a credible threat of domestic or sexual violence in that residence by a non-lessee, the lessor must change the locks within 48 hours or allow the tenants to do so (at their own expense in either case) (H.B. 4715, Kelly-Yarbrough-Dugan-Feigenholtz-Osterman et al. — Raoul-J.Collins-Martinez et al.).

**Veteran Discrimination.** The Illinois Human Rights Act’s definition of “military status” is expanded to include being a veteran (H.B. 4822, Stephens-Graham-Cross et al. — Haine-Wilhelmi et al.).

**Whistleblower Act Subpoenas.** If the Attorney General subpoenas documents under the Whistleblower Reward and Protection Act, the respondent must send originals (or printouts of electronic ones) unless the Attorney General agrees to take copies or electronic versions (S.B. 2739, Cullerton — Fritchey). □

*Robert M. Rogers*  
*Staff Attorney*

**2006**  
**VETO SESSION**

**November**  
**1 - Perfunctory**  
**14, 15, 16 - Session**  
**28, 29, 30 - Session**

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# Criminal Law

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*The General Assembly passed several bills to increase restrictions on persons who commit crimes (especially sex crimes) against minors. Legislators also passed bills to combat identity theft and use of stolen identities for crime; target methamphetamine makers; punish persons who keep vicious dogs or patronize dogfights; and prohibit interference with funerals.*

**Bail for Domestic Crime.** If a person is charged with a violent crime, and at the time of the offense was subject to a protection order; had been convicted of violating such an order protecting a household member, or of a violent crime against a household member; or if the police see signs of physical harm to the victim, reasonably believe that the defendant had a deadly weapon, or reasonably believe that the person poses a credible threat of serious physical harm to the alleged victim or to any other person if released on bail before trial, then the charged person must appear before a judge for setting of bail. The court in setting bail is to consider many factors, including the defendant's mental health, criminal history, and possible access to deadly weapons, and the severity of the alleged violence (H.B. 4649, Franks-Bellock-Black et al. — Millner-Althoff-Axley et al.).

**Court Fees. Drug courts.** Each county with a drug court can impose a fee up to \$5 on each defendant found guilty or given supervision for an offense; proceeds will help fund the drug court (S.B. 2272, Cullerton — Winters et al.).

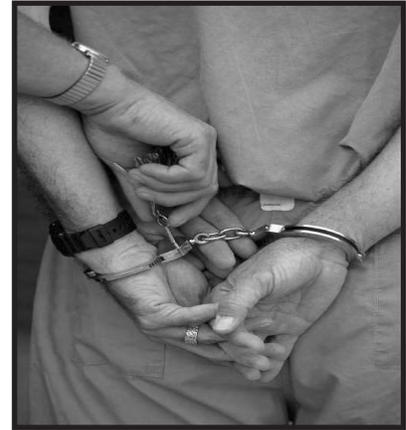
**Vehicle violations.** Anyone given supervision for a Vehicle Code violation must pay an additional \$20 for the arresting agency, and \$5 to help fund the circuit clerk's office and the Prisoner Review Board (S.B. 1089, E.Jones-Raoul-Millner — Sacia-Washington-Brauer-Black-J.Lyons et al.).

**DNA Testing.** The Department of State Police will report by August (not February) each year on the backlog

of cases awaiting DNA testing; that backlog must include evidence held by local police if DSP has written notice of it (H.B. 5288, Mendoza — Raoul-J.Collins-Dillard-Hunter).

**Dogs. Attacks.** The owner of a vicious dog subject to enclosure, who fails to keep it enclosed or to spay or neuter it, commits a Class 3 (raised from Class 4) felony if it causes serious injury or death by unprovoked attack. If the owner knowingly allowed it to run at large, or failed to take steps to keep it enclosed, it is a Class 2 (raised from Class 3) felony. The owner of a dangerous dog who fails to comply with any order regarding it commits a Class 4 felony (raised from Class A misdemeanor) if it inflicts serious injury on a person or another companion animal, or a Class 3 (raised from Class 4) felony if it kills a person. Using an animal to assault a police officer during commission of a felony, or in furtherance of gang activities, can justify an extended sentence (H.B. 4238, Boland-Washington-Beaubien-Tryon et al. — Harmon-Cronin-Peterson-Althoff et al.).

**Felons keeping.** Persons convicted of several types of forcible, drug, or weapons felonies, or felonies under the Humane Care for Animals Act, may not knowingly keep unspayed, unneutered dogs at least 12 weeks old, or dogs determined dangerous under the Animal Control Act. Any dog lawfully owned by such a person must be microchipped for identification (H.B. 2946, J.Mitchell — Haine-Harmon-Peterson et al.).



**Fighting.** Soliciting a minor to commit a crime related to dogfighting is raised from a Class A misdemeanor to a Class 4 felony. Attending an activity that includes a fight between dogs, or between a dog and a human, or intentionally killing a dog for sport, gambling, or entertainment, is raised from a Class C to a Class A misdemeanor for a first offense and from a Class B misdemeanor to a Class 4 felony for a repeat offense. A parent or legal guardian who brings a child under age 13 to such an event commits a Class 4 felony for a first offense or a Class 3 felony for a repeat offense (H.B. 4711, Chapa LaVia-Chavez-Jefferson-Berrios-Mendoza et al. — Martinez-Harmon-Peterson et al.).

**Driving Offenses. Camera fund.** An added \$1 per \$40 of fine for a traffic offense will be collected for a Law Enforcement Camera Grant Fund to buy, and train police to use, video cameras in police cars (S.B. 3076, Meeks-Raoul-Sandoval-Millner-J.Collins et al. — Miller-Sacia-Osterman-Fritchey-Currie et al.).

**Uninsured driving.** Persons driving uninsured, in addition to paying a fine as now required, will lose driving privileges for 3 months and until they pay a \$100 reinstatement fee. Driving uninsured while under such a suspension will bring a 6-month suspension (S.B. 624, Winkel-E.Jones — Black-Rose).

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**Drugs (Methamphetamine).** *Identity theft to buy ingredients.* Using another's identity to buy meth-making chemicals with intent to make meth will be a Class 2 felony for a first, or a Class 1 felony for a repeat offense (H.B. 4297, Beiser-Gordon-J.Bradley-Mathias et al. — Ronen et al.).

*Importing ingredients.* Bringing methamphetamine, or anhydrous ammonia or another meth precursor, into the state to make or deliver meth will be punishable by twice the minimum and maximum prison terms allowed for possessing that material. Several adjustments are made in last year's Methamphetamine Control and Community Protection Act and Methamphetamine Precursor Control Act (S.B. 2391, Haine-Righter-Forby et al. — Rose-Beiser-Flider et al.).

*Registry of makers.* The Department of State Police will post on its Internet site a database of persons convicted of illegally making methamphetamine (S.B. 2915, Haine-Forby-Jacobs et al. — Eddy-Flider-J.Watson et al.).

**Drugs (other issues).** *"Alcohol without liquid" machines* may not be brought into Illinois for use or sale. Such machines mix alcohol with oxygen or another gas to form a mist for inhalation (S.B. 2505, Cullerton-Schoenberg et al. — Bellock-Pihos-Ryg-Jakobsson-Froehlich).

*Dextromethorphan.* Products containing this drug, except in dosages and concentrations for use as over-the-counter drug product, may not be sold or possessed without prescriptions. Selling, delivering, or distributing it illegally becomes a Class 2 felony; possessing it without a prescription becomes a Class 4 felony (H.B. 4300, Rose-D.Brady-Leitch-Schock et al. — Risinger-Shadid et al.).

*Forfeited property.* If a vehicle forfeited for a drug crime is returned to the seizing agency, it can be used for

law enforcement; when it is sold, proceeds must be used for drug enforcement. When other forfeited property is sold, the part going to enforcement agencies can be used for security cameras (added to use in enforcing drug laws) (S.B. 2869, Munoz-Althoff et al. — Mendoza).

**Financial Crimes.** Currency exchanges are added to the list of monetary institutions protected by a provision making deceptive practices a Class A misdemeanor (S.B. 2617, Dillard-J.Collins et al. — Durkin-Chapa LaVia-Bellock et al.).

**Funeral Interference.** Making noises or displaying hostile images within 200 feet of an entrance or exit of a funeral site, or knowingly blocking the entrance or exit to the site, from 30 minutes before until 30 minutes after a funeral or memorial service becomes a Class C misdemeanor for a first or a Class 4 felony for a repeat offense (S.B. 1144, Wilhelmi-E.Jones-Forby-Demuzio-Righter et al. — Phelps-Fritchey-Boland-J.Bradley-Beiser et al.).

**Halfway Houses.** Private entities wanting to establish halfway houses for paroled prisoners must comply with all local ordinances and permitting requirements. Within 48 hours after placing a person, such a house must send written notice (which can be faxed) to the state's attorney and sheriff. Violation can bring a \$1,000 fine (H.B. 4446, Patterson-Howard-Graham — J.Collins-Hunter).

**Identity Information.** *Brochure on identity theft.* Anyone applying for a driver's license or ID card must receive a brochure prepared by the Department of Financial and Professional Regulation on financial identity theft and how to deal with it (S.B. 2456, Althoff et al. — Pihos-Pritchard-Hultgren-Reis-D'Amico et al.).

*Driver's license use.* Information obtained from a driver's license or state

ID card in a commercial transaction may be used only in that transaction. It may not be used for commercial solicitation or sent to a third party, unless the owner gives permission or it is used in a criminal investigation. Victims can be awarded at least \$250 per violation plus legal fees (S.B. 2283, Wilhelmi — Feigenholtz-Franks-J.Bradley et al.).

*Improper disposal.* Persons holding personal information for the state, who put it in the trash or other places to which the public can get access without first obliterating it, can be charged with a Class A misdemeanor for a first offense or a Class 4 felony for a repeat offense. They can also be sued civilly for resulting damages (H.B. 4438, Ramey-Gordon-D.Brady-Hultgren-Meyer et al. — Harmon-Dillard et al.).

*Password misuse.* User names, passwords, and other numbers or characters used to get information about a person's communications, transactions, or other activities are added to the items constituting "personal identification information." Using such information, or personal documents, of another without consent to get access to that person's information or transactions is added to the actions punishable as identity theft. A victim may recover \$2,000 for such theft if actual damages are not calculable (S.B. 2554, Silverstein-J.Collins-Sandoval-Harmon et al. — Schock-Hultgren-Smith-Boland-Nekritz et al.).

**Impersonating Officer.** *Generally.* Falsely claiming to be a federal official or employee (added to other public officials and employees) becomes a Class B misdemeanor. Falsely representing oneself to be a peace officer when attempting or committing a felony is raised from a Class 3 to a Class 2 felony; if the felony is forcible, violation becomes a Class 1 felony for which consecutive sentences are authorized — one for attempting

(continued on p. 10)

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## Criminal Law

(continued from p. 9)

or committing the felony and one for false personation (S.B. 2971, Roskam-Martinez—Sacia-Osterman-Bellock-Moffitt-Hultgren).

*While committing crime.* Pretending to be a peace officer or firefighter while carrying a deadly weapon becomes a Class 3 felony; impersonating a peace officer or firefighter while committing a felony is raised from a Class 3 to a Class 2 felony. Using flashing lights on a motor vehicle, and stopping or attempting to stop someone without legal authority, is raised from a Class 4 to a Class 2 felony (H.B. 5336, Osterman-J. Watson-Hultgren-Graham et al.—Roskam et al.).

**Military Medal Misuse.** Wearing, or claiming to have received, any of several medals that one was not awarded by the U.S. government becomes punishable by a fine of \$100 to \$200. Exceptions apply to dramatic presentations, and costumes made for persons under 18 (H.B. 4121, Burke-Dugan-Parke-Froehlich et al.—Sandoval-Dillard-Hunter-Crotty-Martinez et al.).

**Minority Business Fraud.** Obtaining or helping another get a subcontract or written commitment for a subcontract is added to such acts involving a contract, that are illegal if done by falsely claiming that one's business is minority- or female-owned (H.B. 4688, Patterson-L. Jones-Colvin-Howard et al.—J. Collins-Raoul-Harmon-Trotter et al.).

**Music Group Names.** Advertising for, or a performance by, a music group falsely claiming to be or to be connected with another group that previously released a recording is prohibited. Exceptions apply if the performing group has registered its name as a federal service mark; one of its members was in the group that released the recording and has a legal right to use

its name; the performance is billed as a tribute or salute; it is not held in Illinois; or the group that released the recording authorizes the performance (H.B. 4172, Yarbrough-Colvin-Miller-Soto-Dunkin et al.—Hunter-Hendon).

**Pesticide Sales.** Selling a pesticide labeled for restricted use through the Internet to an Illinois resident who is not a certified pesticide applicator is prohibited (H.B. 4462, Currie-Froehlich-Mathias-May-Sacia et al.—Demuzio).

**Sex Offenders.** *DNA registry.* Persons convicted of any crime requiring registration under the Sex Offender Registration Act (added to other crimes) must submit DNA samples to the Department of State Police. This bill also has provisions like those in H.B. 5288, summarized under “DNA Testing” above (S.B. 2985, Cullerton-Geo-Karis-Dillard-Raoul—Mendoza-Hultgren-J. Bradley-Boland et al.).

*Drivers.* The driver's license of every person required to register under the Sex Offender Registration Act can be cancelled pending proof of such registration; later licenses for a person required to be registered will expire every 12 months (S.B. 2962, Petka-J. Collins—Flider-Beiser-Boland-Dugan-Franks et al.).

*Electronic monitoring.* Persons convicted, after the effective date of this act, of crimes making them sexual predators, if later paroled, must wear electronic monitoring devices (if the money is appropriated) that will show their current locations and alert the Department of Corrections if they enter prohibited areas. The Department will share the information with local police to find sexual predators failing to respond to address-verification attempts or failing to register. Anyone not legally privileged (such as an attorney in relation to a client) who has reason to think a sexual predator is

not registered and helps the predator elude police commits a Class 3 felony by giving the police false information on the predator's noncompliance and whereabouts if known; or harbors or conceals the predator or attempts to do so (H.B. 4222, J. Watson-Poe-Kosel-Ramey-Meyer et al.—Haine-Demuzio-Harmon-J. Collins).

*Finding.* The Department of Employment Security must make available to the Department of State Police, on request, any information related to where sex offenders who should register are employed (H.B. 4375, Parke et al.—Lauzen et al.).

*Interstate movement.* A task force of law enforcement agencies and sexual assault victim advocates will examine communication among Midwestern states on movement of registered sex offenders; those states' laws on where sex offenders can live; and impacts of offender residency restrictions on the resources of law enforcement, parole, and probation systems. It will report findings by January 1, 2007 (H.B. 4298, Verschoore-Flider-J. Bradley-Beiser-Schock et al.—Jacobs).

*Juveniles.* Juvenile sex offenders no longer need automatically register as sex offenders. The juvenile court sentencing a juvenile for a sex crime will decide whether, and if so how long, to require registration, under criteria stated in this amendatory law among others. Persons previously required to register after juvenile adjudications may seek hearings in juvenile courts to make those determinations. These provisions do not affect minors convicted as adults (H.B. 2067, A. Collins-M. Davis et al.—Raoul et al.), **vetoed**.

*Registration.* Information provided by sex offenders and sexual predators must include, in addition to what is now required, the county of conviction; plate numbers of all vehicles registered by the offender; ages of the

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offender and victim at the time of the offense; and any distinguishing marks on the offender's body. Principals or teachers at schools are to notify parents during school registration or parent-teacher conferences of the availability of information on sex offenders (S.B. 3016, Dillard-J.Jones-Cronin-Radogno-Risinger et al. — Granberg-Schock-Bellock-J.Bradley-Holbrook et al.).

*Residence restrictions.* The list of places within 500 feet of which child sex offenders may not live is expanded to child care institutions, day care centers, or part-day child care facilities. Offenders who owned such residences before this act took effect are exempted. Child sex offenders may not operate, work or volunteer at, or be associated with day care centers, child care institutions, and schools providing before- and after-school programs to persons under 18. But such offenders may own such properties if they refrain from being present when programs or services are offered (H.B. 5249, Meyer-Durkin-Coulson-Schock — Dillard et al.).

**Sex Trade.** Persons harmed by the "sex trade" (prostitution-related crimes, with or without cross-border travel) may sue those who recruited, profited from, or maintained them in commercial sex acts; intentionally abused or caused bodily harm to them in relation to such acts; or knowingly advertised to recruit them for such acts. It is not a defense that the victim was married or otherwise related to, or had a consensual relationship with, the defendant; was paid for the acts; consented to the acts; or did not try to escape. The limitations period for such suits will be 10 years *after* the later of (a) when the victim reaches legal age and is free of threats or other manipulation by or on behalf of the defendant, or (b) the end of all limitations periods for crimes by the defendant that support a suit under this act (H.B. 1299,

Howard-Froehlich-Graham-May-Washington et al. — Martinez-Cullerton-Garrett-Righter et al.).

**Sexual Misconduct.** An employee or agent of the Department of Human Services or of a community agency serving the disabled, who engages in sexual conduct with a disabled person in DHS care at a state facility or a community residential program, will commit a Class 3 felony and forfeit employment with the employer. Consent by the disabled person is not a defense, but an exception will apply if the employee is married to the disabled person (S.B. 3018, Cullerton-Martinez-J.Collins et al. — Chapa LaVia-Franks-Mendoza et al.).

**Sexually Violent Persons.** *Commitment.* Indecent solicitation of a child is added to crimes that can lead to commitment (S.B. 2562, J.Sullivan-Geokaris-Harmon-J.Collins-Sandoval et al. — Myers et al.).

*Release.* The Department of Corrections or Department of Juvenile Justice must notify the state's attorney of the county where a prisoner was convicted or found delinquent for a sexually violent offense, at least 6 months before release. Such a person remains eligible for commitment as a sexually violent person while serving a concurrent or consecutive sentence for another crime, or after committing a new crime or otherwise being returned to custody while on parole (S.B. 2873, Harmon-Haine-J.Collins et al. — Gordon-D.Brady-Dugan-J.Bradley-Beiser et al.).

**Wine Takeout.** If part of a bottle of wine is left after a restaurant meal, its buyer can have it sealed and put in a tamper-proof bag to take home, as an exception to the ban on driving with opened alcoholic beverages (S.B. 946, Cullerton-E.Jones — Fritchey-Froehlich-Dunkin).

**Work-at-Home Ads.** Advertising of opportunities to earn money at home, such as by stuffing or addressing envelopes, clipping articles, assembling products, or processing bills, is prohibited unless the advertiser actually pays the advertised amount, does not require workers to buy anything, and makes disclosures required by this act. Requiring anyone to solicit others to join a work-at-home program is also prohibited (H.B. 4719, Acevedo-R.Bradley-Parke-Yarbrough et al. — Munoz et al.).

**Youth Victimizer Registration.** Persons committing or attempting various nonsexual crimes such as first-degree murder, kidnapping, or child abduction on persons under 18 must register with a new Statewide Child Murderer and Violent Offender Against Youth Database. Information on persons now registered under the Sex Offender Registration Act for violent crimes against children that were not sexually motivated may be transferred to the new Database. The Department of State Police will maintain information on the Database and post it on its Internet site (H.B. 4193, Fritchey-Colvin-Miller-Froehlich-Delgado et al. — del Valle-Harmon). □

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# Education

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## Elementary & Secondary

*The General Assembly voted to open alternative ways to become a teacher or administrator; expand availability of preschool programs; and deny drivers' licenses to dropouts under age 18.*

**Administrator Development.** Subject to appropriation, the State Board of Education will start a new-principal mentoring program in July 2007. By then the State Board must establish an "Alternative Route to an Administrative Certificate." The Board will grant "teacher leader" endorsements to a teacher meeting any of three criteria (such as national certification or a master's degree in teacher leadership). The Board must certify entities to develop a master principal designation program. The State School Superintendent will appoint a task force to improve administrators' professional development. Starting in 2006-2007, each district except Chicago's must start evaluating principals before the end of each contract (S.B. 860, Demuzio-E.Jones—Smith-J.Mitchell-M.Davis-Eddy-Pritchard et al.).

**Breakfasts.** Schools not taking part in the National School Lunch Program must have breakfast programs if at least 40% of their students are low-income based on Fall Housing Data (S.B. 2336, del Valle-J.Collins-Lightford-Harmon et al.—Mendoza-McGuire-Berrios et al.).

**Bullying.** School districts may develop curricula to prevent bullying; the State Board can help (S.B. 2630, Lightford-J.Collins et al.—Lang-Yarbrough-Franks-Chapa LaVia-Jakobsson et al.).

**Class Sizes.** The State Board must have a pilot class-size reduction grant program to help schools limit K-3 classes to 15 students (S.B. 2882, Link-Lightford-Ronen-Raoul-Harmon et al.—Smith-M.Davis-Boland-Holbrook-Dugan et al.).

**District Boundaries.** The boards of community unit school districts formed before 1975, and combined school districts formed before July 1983, will be elected by districts based on area and population, unless a district's voters choose at-large election. Contiguous unit and high school districts may form dual districts; multiple elementary districts located in or sharing boundaries with a high school district may form a combined school district; contiguous high school districts and unit districts may consolidate to form a combined high school or unit district; contiguous high school and unit districts may combine to form a high school-unit district; and contiguous unit districts may combine to form high school-unit and elementary districts. An optional elementary unit district may be formed by a high school district and at least 2 elementary districts in some situations. Within 5 years after formation of an optional elementary unit district, elementary schools originally choosing not to combine may do so with voter approval (S.B. 2795, Shadid-del Valle-Demuzio-J.Sullivan-Risinger et al.—Smith-Eddy-Giles-J.Mitchell-Kosel et al.).

**Dropping Out.** School boards must report to the Secretary of State students who withdraw from school or return to school; the Secretary of State will not issue permits or graduated licenses to unmarried minors under 18 and not in school, with some exceptions (H.B. 1463, Flider-Winters-Chapa LaVia-Moffitt-Munson et al.—F.Watson-Bomke-Radogno-Axley et al.).



**Financial Literacy** is added to mandatory high school subjects. A new state fund can be used to support such courses (S.B. 2191, J.Collins-Raoul-Martinez et al.—Yarbrough-M.Davis-Giles-Colvin-Turner et al.).

**Foundation Level; State Aid; Arts & Languages.** The foundation level of funding per student rises from \$5,164 in 2005-2006 to \$5,334 in 2006-2007. If funds are available, the State Board will give "transitional assistance" to schools eligible for less total state money in fiscal year 2007 than in 2006. Subject to appropriation, the State Board and Arts Council will cooperate in making grants for school foreign language and arts programs (S.B. 176, Schoenberg-Demuzio-Wilhelmi et al.—Hannig-Granberg-Giles).

**Improvement Plans; Learning Objectives; Accounting.** Districts must use peer review in revising School Improvement Plans. The State Board no longer need approve and fund staff development programs. School districts may elect (but are no longer required) to create student learning objectives. To keep getting state aid, school boards must post annual statements of financial affairs (with lists of employees and the gross compensation category each is in) on the State Board's Web site and a local newspaper (S.B. 2829, Lightford-Hunter—Lang-Giles-Eddy et al.).

**Infant Abandonment.** Instruction on the Abandoned Newborn Infant Protection Act is moved from sex education to comprehensive health education classes (S.B. 2455, Trotter-Martinez-J.Collins-Harmon-Garrett et al. — Coulson-Bellock-Delgado-Jenisch-Jakobsson et al.).

**Medication.** Schools must allow students with parental and medical permission to self-inject epinephrine to prevent shock (S.B. 2898, Hunter-Raoul-Trotter-Martinez—Flowers-Eddy-Froehlich et al.).

**Preschool Grants.** In fiscal years 2007 and 2008 only, State Board grants can go to newly funded programs for children with family incomes less than 4 times the federal poverty guidelines (and secondarily to programs for at-risk children) to pursue the goal of “Preschool for All Children” (S.B. 1497, Lightford-Sandoval-Millner-Ronen-Trotter et al. — Currie-Osterman-Dugan-M.Davis et al.).

**Teachers. Misconduct.** Teachers and administrators can be suspended up to 5 years for not disclosing sex crimes on employment applications (S.B. 859, Maloney-E.Jones-Harmon-J.Collins et al. — Dugan et al.).

**Recruitment.** Grow Your Own Teachers (formerly Grow *Our* Own Teachers) gets changes that include allowing partial forgiveness of loans for shorter periods of teaching than is required for full forgiveness, and expanding the uses to which program grants can be used (S.B. 2235, Martinez-J.Collins-Trotter-Lightford-Raoul et al. — Golar-M.Davis-Dunkin et al.).

**Truancy** ordinances may be adopted by municipalities, and by county boards for unincorporated areas. Such ordinances may impose fines up to \$100, community service, or both on truants who are 10 or older, or on the

parents of a truant who is under age 10. Minors reported as chronic truants by a Regional Superintendent of Schools, or Chicago’s Office of Chronic Truant Adjudication, whose school has already provided them truancy intervention services may be adjudicated as “truant minors in need of supervision” in juvenile court. Several kinds of dispositional orders for such a minor are authorized, including a fine as high as \$100 per day and suspension of driving privileges until age 18. If the school has not provided intervention, the minor must be referred to a comprehensive community-based youth service agency if one is available that can provide intervention services (S.B. 2197, Haine et al. — Kelly-Graham et al.).

## Higher Education

*Bills that passed both houses will increase scholarship aid (especially to students in fields with shortages), and require institutions to accommodate students who are volunteer emergency workers.*

**Board of Higher Education Membership.** A nontraditional student aged at least 24 will be an added member, for a total of 16 (S.B. 2312, Maloney-J.Collins-J.Sullivan et al. — Joyce et al.).

**Scholarships. Middle-income students.** In fiscal year 2007 only, if funds are available, the Student Assistance Commission can make MAP Plus grants up to \$500 per year to students ineligible for regular MAP grants due to household income up to \$199,999 (S.B. 2225, Maloney-Raoul-Halvorson-Wilhelmi-Crotty et al. — McCarthy-Miller-May-Lang-Ryg et al.).

*Public aid recipients* in grandparents’ legal custody, with high school GPAs of at least 2.7 on a 4-point scale, can apply for \$1,000 grants, renewable for

up to 4 years of college (H.B. 4406, L.Jones-Howard-M.Davis-Currie-Jefferson et al. — J.Collins et al.).

**Shortage Fields.** The Illinois Student Assistance Commission (ISAC) will offer grants to current, and scholarships to future, teachers of nursing as incentives to teach or continue teaching. The Board of Higher Education will offer grants to nursing schools based on retention rates, degrees granted, licensing exam passage rates, and other criteria; and offer “nurse educator fellowships” to qualified nursing teachers. A new Illinois Center for Nursing will address needs for recruiting and retaining nurses. It will have an advisory board of 11 members appointed by the Governor to advise the Department of Financial and Professional Regulation.

Persons serving at least 1 year in the Illinois Naval Militia become eligible for Illinois National Guard tuition exemptions.

Subject to appropriation, ISAC will make grants up to \$30,000 to students in forensic science programs, conditioned on working at least 4 years for the Department of State Police as forensic scientists (S.B. 931, Crotty-E.Jones-Ronen-Millner-Hunter et al. — Lang-J.Bradley-Beiser-Flider-Coulson et al.).

**Volunteer Workers.** Public higher education institutions must accommodate students who are volunteer emergency workers when they must serve in those capacities (S.B. 2778, Sieben — Pritchard-J.Mitchell-Moffitt). □

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# Environment & Conservation

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*Bills that passed both houses will require nuclear plants to report radioactive leaks to state agencies; promote collection of mercury from switches in cars being recycled; and ban the recognition of new Qualified Solid Waste Energy Facilities supported by tax credits.*

**Buildings and Energy.** Historic buildings need not use energy-conservation measures that would “conflict” (apparently with their historicity). Universities and community colleges may make contracts for guaranteed energy savings that will repay costs within 20 years (increased from 10). Several other Illinois laws and bodies of regulations are stated to apply to projects under the Local Government Energy Conservation Act, Public University Energy Conservation Act, and Public Community College Act (S.B. 1827, Harmon-Sieben-Cronin-Munoz-J.Collins et al. — Mathias-Eddy-Ryg-Flider et al.).

**Diesel Idling.** In Cook, DuPage, Lake, Kane, McHenry, Will, Madison, Monroe, and St. Clair Counties, and parts of Grundy and Kendall Counties, motor vehicles using diesel fuel may not idle for more than 10 minutes out of 60 minutes. Vehicles with gross weight ratings under 8,000 lbs. are exempt, and exceptions apply in a number of kinds of situations—including when the outside temperature is under 32° or over 80° F. Violators will be fined \$50 for a first offense and \$150 for a repeat offense in 12 months (H.B. 4782, Nekritz-Washington-Froehlich-May-Soto et al. — Schoenberg-DeLeo-Raoul-Ronen-Lauzen et al.).

**Emissions Testing.** The vehicle-emissions inspection law enacted last year is adjusted in some respects effective January 2008. Most vehicles will be first inspected in the fourth year after their model year, and then every two years. The Secretary of State will notify owners of vehicles to be tested at least 30 days before the month in which their registrations expire; proof of testing will be required for renewal. The EPA and Secretary of State are to cooperate to prevent evasion of testing

due to the changes made by this act (S.B. 2878, Sandoval et al. — Tryon-Flowers-Cultra-Fritchey-Bellock).

**Hunting. Apprentices.** DNR must allow persons 10 or older to become “apprentice” hunters for a \$7 fee and to hunt for one season under a licensed hunter’s supervision (H.B. 5407, Beaubien et al. — Sieben-Wilhelmi-Forby-Demuzio et al.).

**Permits.** Unused gun deer permits can be used in the next special hunting season within 6 months (S.B. 2810, Forby — Phelps-Holbrook-Boland-J.Bradley et al.).

**Landfill Waste Electric Generation.** When a qualified solid waste energy facility (QSWEF—a small power producer using landfill gas as fuel) stops making electricity using methane from a landfill, or its contract with a public utility to sell such power ends (whichever occurs first), the QSWEF must reimburse the state for tax benefits it provided to a utility to buy the QSWEF’s electricity. Any QSWEF not making electricity using methane from a landfill, but benefitting from the credit, must repay the resulting tax credits. If a QSWEF sells “renewable energy certificates” allowing an electric utility or supplier to comply with renewable energy portfolio standards, the QSWEF will become ineligible for the special rates that public utilities have been required to pay them. The Illinois Commerce Commission may not recognize any new QSWEFs after June 30, 2006 (S.B. 230, Harmon-Trotter — Currie-Reitz).

**Mercury Switches.** Vehicle crushers and recyclers must report to the Illinois EPA on rates of removal of mercury switches from scrapped vehicles. Carmakers must support collection of switches removed from their products,



and send implementation plans and reports to the EPA. If collection goals for such switches (rising from 35% in FY 2007 to 70% in FY 2009) are not met, crushers and recyclers will have to remove all switches before destroying vehicles, and carmakers will have to pay them specified amounts to do so. Violations by carmakers will be punishable by fines up to \$1,000 for a first offense or \$5,000 for a repeat offense; crushers and recyclers can be fined up to \$250 for a first offense and \$500 for a repeat offense (H.B. 5578, May-Currie-Feigenholtz-Black-Froehlich et al. — Link-Hunter-Sandoval-Garrett-Harmon et al.).

**Mississippi River.** A Mississippi River Coordinating Council is created. It will monitor and encourage the restoration and conservation of the River and its tributaries, emphasizing watershed and water management planning (S.B. 2360, Clayborne et al. — Beiser-Boland-Bellock-Dunkin).

**Nuclear Leaks.** Every radioactive release by a nuclear power plant (except to the air) without a permit must be reported to the Illinois EPA and Illinois Emergency Management Agency. Those agencies are to issue rules on such reporting and inspect plants for compliance (H.B. 1620, Gordon-Dugan-McGuire-Currie-Holbrook et al. — Dahl-Halvorson-Wilhelmi). □

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# Health & Safety

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*Bills approved by both houses will require almost all residences to have carbon monoxide alarms by next January; ban smoking in college dormitories and allow local governments to ban smoking in more public places; and require cigarettes sold starting in 2008 to resist causing fires if dropped. Other bills approved by legislators will regulate hospitals' billing of and collection actions against patients; require testing of newborns for HIV infection and other measures to fight AIDS; and increase the availability of health insurance for returning veterans and persons with high-cost diseases.*

**Ambulance Transport.** A nursing home ordering ambulance transport of a resident must keep for at least 3 years a written record of who issued the order and its medical reason. A hospital arranging ambulance transport of a patient must give the ambulance service a completed Physician Certification Statement or equivalent form, or have the patient sign a written notice and receive oral explanation that the trip may not be covered by insurance. Exceptions apply if delaying transport could harm a patient (S.B. 2170, Garrett-Geo-Karis-J.Collins—Nekritz-Boland-McGuire et al.).

**Burn Reporting.** Hospitals may (but are not required to) report serious nonaccidental burns to the State Fire Marshal using a dedicated toll-free number. The State Fire Marshal must inform hospitals of these provisions (H.B. 5348, Moffitt-Smith-Schock-Holbrook-Leitch et al.—Haine-Forby).

**Carbon Monoxide Detectors.** Effective next January 1, every single-family home, and each dwelling unit in a multi-unit structure, must have within 15 feet of each bedroom a carbon monoxide alarm approved by the State Fire Marshal and national testing laboratories. Residences not using fossil fuel combustion, and having no other significant threat of carbon monoxide poisoning, are exempt (H.B. 5284, Molaro-Mendoza—Harmon-Sandoval).

**Child Speech Therapy.** Group insurers must cover up to 20 outpatient visits per year for speech therapy for “pervasive developmental disorders” (a category that includes autism) in

addition to any such therapy provided under other coverage already required. HMOs become subject to the Insurance Code section requiring coverage of outpatient mental therapy, including the new requirement (H.B. 4125, Flowers-Daniels-Bellock-Jenisch-D’Amico et al.—Garrett-Millner-Link-Ronen-Cronin et al.).

**Cigarette Fire Safety.** Starting January 1, 2008, no cigarettes may be sold in Illinois unless their cigarette brand and style has been tested for ignition strength, and not over 25% of those tested burned from end to end. Cigarette makers must verify the testing and its results in writing to both the State Fire Marshal and the Attorney General. Certified cigarette packages must be marked to show compliance (S.B. 2302, Haine-Peterson-Wilhelmi-Harmon—Burke-Moffitt-Mathias-McGuire-Verschoore et al.).

**Comprehensive Health Insurance Plan.** The lifetime benefit limit is raised from \$1 million to \$1.5 million per person (S.B. 918, Demuzio-E.Jones—Flider-Boland-McGuire-Feigenholtz-Holbrook et al.).

**Defibrillator Checkoff.** An income tax checkoff for the Heartsaver AED [automated external defibrillator] Fund will help public institutions buy AEDs (H.B. 542, Boland-Burke-Franks-Osmond-Holbrook—Sandoval-Crotty et al.).

**Diabetes Commission.** A State Diabetes Commission is created in the Department of Human Services, with members appointed by the Secretary of Human Services. It will hold public hearings and develop a strategy for



prevention, treatment, and control of diabetes, and report on its activities by June 30 each year (S.B. 2483, Hunter-Haine-J.Collins-Martinez-Raoul et al.—Cross-Coulson-Pihos-Bellock-Feigenholtz et al.).

**Donations. Organs.** If a deceased person is a suitable candidate to donate an organ but consent has not been given, an organ procurement agency may authorize (and must pay for) action to preserve the body for possible donation. If no one who can consent to donation is found, or such a person refuses consent, preservation procedures must end (H.B. 5259, Cross-Feigenholtz-Hultgren-D.Brady-Fritchey et al.—Clayborne-Wilhelmi-Raoul-Crotty).

**Umbilical blood.** If funds are provided, the Illinois Department of Public Health (IDPH) must prepare and distribute to health and maternal care providers written publications on umbilical cord blood donation, and pursue a goal of maximizing umbilical cord blood donations. Hospitals and birthing centers must cooperate with the Department in achieving this goal (H.B. 5245, Brauer-Coulson-Leitch-Kosel-Pihos et al.—Haine-Righter-Wilhelmi-Pankau-Raoul et al.).

**Epilepsy Drugs.** If a physician designates a prescribed drug “dispense as written” or “may not substitute,” a pharmacy may not substitute one anti-epileptic drug or formulation for another without notice to and consent from both the prescriber and the patient or patient’s representative (S.B. 2578, Ronen-Althoff-J.Collins—L.Jones-Howard-M.Davis-Tryon-Bellock et al.).

*(continued on p. 17)*

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# Local Government

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*The General Assembly voted to transfer the counting of nonstandard election ballots (such as early and absentee) from precincts to central local counting places and to make other changes in election procedures; expand the authority of municipalities to take over waterworks by eminent domain; increase the ability of local governments in Chicago to lease out property used for transportation or waste disposal; and require auxiliary police officers to take firearms courses before beginning their duties. An existing prohibition on municipal prosecution of DUI cases will not apply if the state's attorney chooses not to prosecute.*

**Ambulance Loan Fund.** A new Ambulance Revolving Loan Fund, if appropriated money, will provide zero-interest loans to fire departments, fire protection districts, and nonprofit ambulance services to buy ambulances. No loan may exceed \$100,000 or 10 years. The Illinois Development Finance Authority and State Fire Marshal will jointly administer the Fund (S.B. 623, J.Sullivan-E.Jones—Smith-Moffitt-Mathias-Froehlich-Boland et al.).

**Arrestee Medical Costs.** An arresting authority need not pay an arrestee's medical expenses that result from a self-inflicted injury (S.B. 2967, Bomke-Shadid—Brauer-Schock-Poe).

**Auxiliary Police; Official-Sounding Magazines.** Auxiliary police officers are added to the persons who must be trained under the Peace Officer Firearm Training Act before being allowed to carry firearms. No organization or publication title may use the words "officer," "peace officer," "police," "law enforcement," "trooper," "sheriff," "deputy," "deputy sheriff," "state police," or similar words along with the name of any state, state agency, public university, or unit of local government without written consent from that government or agency (S.B. 2680, Munoz-Althoff—Acevedo-Sacia).

**Elections.** All ballots for grace period, early, absentee, and provisional voting must be counted at central local counting places, not in precincts. ("Grace period" voting is for persons who

register or change their addresses after the usual registration deadline but at least 14 days before the election.) Local election authorities must send information identifying voters who cast grace period or early voting ballots to the State Board of Elections by 1 day after such ballots are cast; information on those voters must be offered to state and local political committees on the State Board's Web site. The State Board of elections must provide an educational program on early voting and grace period voting. Pollwatchers may view all procedures and records related to early voting except those infringing on voter privacy.

Local election authorities must send statistics on absentee ballots cast to the State Board within 3 weeks after each election. A voter who planned to vote by absentee ballot may apply to vote in the precinct on election day, or request an early voting ballot, if the voter submits the absentee ballot for cancellation; presents a piece of torn or mutilated absentee ballot; or signs an affidavit of nonreceipt of an absentee ballot. A voter's signature must be verified for absentee voting; if it does not match the one on file, the ballot may be rejected and the voter notified. A would-be absentee voter whose vote is rejected for that or another reason may appeal.

A political committee paying for advertising that (1) mentions a candidate without permission and (2) takes a policy position must identify itself in



the advertising. No political committee may pay for unsolicited calls to residences in a way that avoids Caller ID.

The State Board of Elections may not approve any voting equipment that has an external Infrared Data Association communications port. Voting equipment vendors must pay all costs related to equipment testing. Local governments (but not school districts) are to make public buildings available for early voting (S.B. 1445, Link—Currie-Kelly-Hannig-Osterman et al.).

**Leased Municipal Property; Midway Airport.** If Chicago or any local government containing any part of Chicago's territory leases to a private entity property now used for airport, parking, or waste disposal or processing, the property will remain exempt from property taxation. Lessees of such property must comply with all applicable municipal ordinances prohibiting discrimination, or requiring affirmative action and hiring of minority- and women-owned businesses; they must offer jobs to local government workers who were employed at the leased property, and pay at least the economic equivalent of what the lessor local government was paying them. Lessees of property at airports (excluding O'Hare) must meet further requirements, such as making "project labor agreements" with unions in

*(continued on p. 18)*

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## Health & Safety

(continued from p. 15)

**HIV. African Americans.** A new African-American HIV/AIDS Response Fund in the state treasury will be funded by appropriations and other public sources. It is to be used to support programs to prevent HIV transmission and to create an AIDS-related service delivery system to reduce the disparity in HIV infection and AIDS cases between African-Americans and other groups (S.B. 1001, Lightford-E.Jones-Martinez-Meeks-Hunter et al. — Howard-Fritchey-Washington et al.).

**Perinatal.** Medical professionals are to recommend that pregnant women get HIV testing as soon as possible. If a new mother refused testing, her newborn(s) must get rapid HIV testing, and the result noted in each newborn's medical record (unless the parent(s) object in writing on religious grounds). Medical facilities must have policies to report both preliminarily HIV-positive pregnant women and preliminarily HIV-exposed newborns to a 24-hour IDPH Hotline. Case management services and information on the importance of obtaining timely treatment must be provided to affected pregnant women, or the parent or guardian of a preliminarily HIV-positive newborn (H.B. 4306, Flowers-Dunkin-Coulson-Ryg-Chapa LaVia et al. — Cullerton-Harmon-Righter-Trotter-Lauzen et al.).

**Hospital Billing.** Effective for services received after June 2007, each hospital must post a sign and provide written materials notifying patients of financial assistance. Bills to uninsured patients must tell how to apply for such assistance. Each hospital must have a process for addressing billing inquiries and disputes. Before starting legal action against an uninsured patient, a hospital must let the patient apply for financial assistance and offer the patient a "reasonable payment plan." Before starting legal action against an insured patient, a hospital must let the patient request a payment plan for the part owed by the patient. Legal action against a patient for a hospital bill may be begun only

with written approval from a hospital employee authorized to give such approval. No legal action may be pursued against uninsured patients who have shown that they cannot pay, if they provide the hospital with necessary information and notify it of any changes in their financial situations. The Attorney General will monitor hospitals' compliance, and may seek injunctions and civil penalties (H.B. 4999, May-Flowers-Scully-Soto et al. — Raoul-J.Collins-Martinez-Crotty-Hunter et al.).

**Lead Poisoning.** Owners of residential buildings violating the Lead Poisoning Prevention Act cannot do business with the state until violations are mitigated. The sale or transfer of clothing, accessories, jewelry, decorative objects, edible items, and other articles used by, or intended to be chewable by, children is prohibited if they are coated with lead and contain at least 0.06% lead by total weight. (This strict standard will also apply to toys and furniture, already covered by a less strict standard.) Retailers selling supplies for paint removal must display posters warning of the dangers of paint scraping and sanding in pre-1978 dwellings. The Director of Healthcare and Family Services must issue a report on the frequency of lead testing, and high lead levels, among children getting benefits from the Department. A building owner who receives a lead hazard mitigation notice must post signs in common areas of the building specifying the lead hazards identified, but may remove them after complying with the notice (H.B. 4853, Osterman-Graham-Delgado-Hamos-Coulson et al. — Ronen-Lightford-Raoul-Schoenberg-Harmon et al.).

**Meningitis Education.** IDPH must develop educational materials on meningitis to distribute to elementary and secondary schools (S.B. 2728, Viverrito-Hunter-Martinez et al. — Gordon-Graham-Schock et al.).

**Military Returnees' Health Insurance.** Persons activated to military service and their dependents, who became eligible for federal health insurance due to activation, can re-enter

individual health insurance policies that lapsed after they entered federal coverage, if they were honorably discharged and they apply within 63 days after the later of deactivation or loss of federal coverage (S.B. 916, Haine-E.Jones et al. — Mautino-Moffitt-J.Bradley-Gordon-Bost).

**Sexual Assault Victim Emergency Care.** IDPH must report annually on hospitals that have submitted plans to provide services under the Sexual Assault Survivors Emergency Treatment Act, listing those that have submitted plans; those whose plans comply with state law; those failing to submit acceptable plans of correction; and those that have had periodic site reviews. IDPH must have a system to receive complaints of violations of the Act (H.B. 5300, Mulligan-Feigenholtz-Delgado-Coulson-Parke et al. — Harmon-Crotty-Althoff-Martinez-J. Collins et al.).

**Smoking. College dorms.** Smoking is prohibited in dormitories of institutions of higher education, except their "commercial" areas (S.B. 2465, Cullerton-Schoenberg-J.Collins et al. — Fritchey-Froehlich-Yarbrough-McGuire-May et al.).

**Public places.** Counties (in unincorporated areas) and municipalities lacking home rule can regulate smoking in public places (as home-rule units could already). Any municipality, and any county without home rule (in unincorporated areas) may regulate smoking in any enclosed indoor areas used by the public or serving as workplaces that are not already protected as "public places" under the Illinois Clear Indoor Air Act (S.B. 2400, Cullerton-Cronin-Maloney-Hunter — Yarbrough-McGuire-Soto-A.Collins-Fritchey et al.). □

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# Professions & Occupations

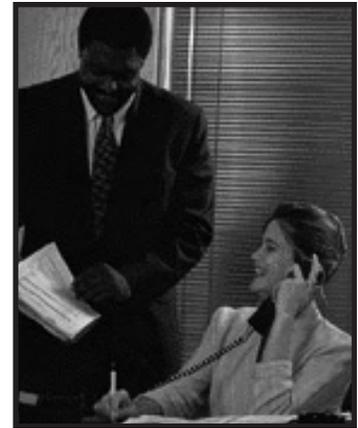
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*The General Assembly voted to register and regulate body piercing and tattooing businesses to protect the public health.*

**Body Piercing and Tattooing.** Starting July 1, 2007, each business offering either kind of activity must be inspected by and annually registered with the Illinois Department of Public Health (IDPH). Each location must be separately registered. IDPH can issue regulations implementing this law's health requirements; IDPH and local health departments will enforce them. IDPH can impose penalties or fines, up to \$1,000 per day, for violations. Unregistered operation will be a Class A misdemeanor (Class 4 felony if a repeat offense) (S.B. 927, Maloney-E.Jones—Bellock-McGuire-Coulson-Tryon-Moffitt et al.).

**Emergency Workers' Immunity.** EMTs and "first responders" are added to police and firefighters as persons with liability protection under the Good Samaritan Act when providing emergency care. But the Act's protection is limited to such persons who receive no "compensation" (added to "fee") for providing such care (S.B. 2968, Cronin-Crotty-Radogno-Martinez-Millner et al.—Pihos-Eddy-McCarthy-Osmond-Moffitt et al.).

**Workplace Violence.** The task force on preventing workplace violence, created last year by P.A. 94-347, gets five more members: a registered nurse and



two representatives of public-employee unions, appointed by the Governor; and two additional members from the Department of Human Services (S.B. 2204, Demuzio-Hunter—Froehlich-Lang-Jefferson-Boland-Mathias et al.). □

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## Local Government

*(continued from p. 16)*

described circumstances. Runways at Midway Airport may not be expanded beyond the airport's current boundaries (S.B. 2872, Harmon—Currie-Dunkin).

**Mid-America Medical District Act.** A Mid-America Medical District is created in East St. Louis, to be governed by a 12-member board. It may accept grants, loans, and appropriations; acquire and sell property; and construct medical and related facilities (S.B. 848, Clayborne-E.Jones—Younge-Washington).

**Municipal DUI Prosecutions.** A municipality may charge a driver with a misdemeanor under its ordinances for conduct that would be DUI (which municipalities normally are prohibited from doing) if the state's attorney refuses to file state felony charges (H.B. 4717, Hultgren-Mathias—Millner-Axley).

**Park-Zone Driving.** On any street adjacent to a public park, posted as a "park zone street," if children are within 50 feet of vehicular traffic, the speed limit is 20 miles per hour. Driving faster, or failing to come to a complete stop at a stop sign or red traffic signal in such an area, will be punishable by a fine of at least \$250 for a first offense or \$500 for a repeat offense (plus, in either case, \$50 for the park district) (S.B. 509, Maloney-Sandoval—D'Amico-Mathias).

**Waterworks Acquisition.** Municipalities' ability to use eminent domain to take over privately owned waterworks is greatly expanded. A municipality may examine a water utility's records and assets for a feasibility study before acquiring its water system (but must pay its expenses other than attorneys' fees). A municipality, or two or more municipalities, can acquire a waterworks serving customers outside its or their boundaries, if at least 70% of residential water customers are within those boundaries. The

Illinois Commerce Commission will have no authority to prevent municipal use of eminent domain to acquire waterworks. Waterworks that had up to 70,000 meter connections in Illinois at the start of 2006 are exempted from the provisions above while they maintain their current corporate structures. A municipality that takes over a private waterworks must offer employment to its existing nonsupervisory workers at compensation at least as high as the private company is paying for at least the first 30 months. State universities are added to the list of governments that can cooperate to establish Joint Action Water Agencies. The water sources that such agencies can use are no longer limited to Lake Michigan, the Mississippi and Missouri Rivers, and the Sangamon River valley (S.B. 3046, Crotty-Risinger-Shadid-Radogno et al.—Kosel-Schock et al). □

*Sarah Comer  
Research Assistant*

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# Revenue

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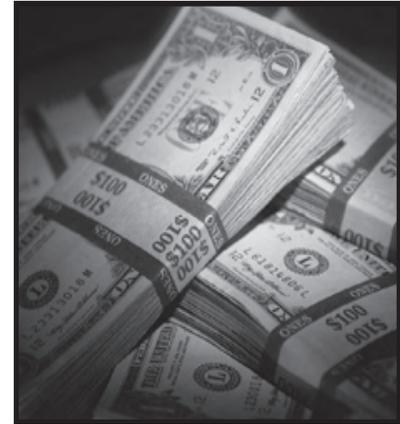
*The General Assembly voted to increase property tax breaks for homeowners 65 or older; change the effects of referenda on property tax limits; and provide more tax help to the filmmaking and horse racing industries.*

**Property Taxes. Exemption notification.** Fire protection districts are added to the list of taxing districts that must be notified by any taxpayer applying for a non-homestead exemption that would reduce the property's assessed value by more than \$100,000. The fire protection district can be heard by the board of review regarding the application (S.B. 680, J.Sullivan-E.Jones—Moffitt-Smith-Froehlich-Black-Verschoore et al.).

**Rate referenda.** In any referendum after March 2006 on changing a tax rate limit, the ballot must identify the governmental purposes for which the tax is levied rather than naming the fund it supports; explain the rationale for the change; and estimate its effect on the taxes on a \$100,000 single-family home. Local governments subject to the Property Tax Extension Limitation Law (PTELL) no longer need observe limits set by earlier referenda on individual tax rates (except that no rate may exceed the maximum to which it could have been raised by referendum). Any rate-increase referendum for a local government unit under PTELL will change only its overall "limiting" PTELL rate, and cannot last more than 4 years without a repeat referendum; but at the option of the local unit, an increase approved by referendum may first apply to taxes collected in the year the referendum passes—unless those taxes will be extended within 30 days after the results are canvassed (S.B. 1682, Harmon-Millner-Althoff-Lauzen-Radogno et al.—Tryon-Franks-Jenisch-Beaubien-Schmitz et al.).

**Senior tax breaks.** The maximum reduction in assessed value in the Senior Citizens Homestead Exemption is raised from \$3,000 to \$3,500 starting with the 2006 tax year (collected in 2007). The Senior Citizens Assessment Freeze Homestead Exemption is re-enacted after judicial invalidation under the single-subject requirement. Its income limit is raised from \$45,000 to \$50,000 starting with tax year 2006; but eligibility will be phased out over the income range of \$45,000 to \$50,000 (each \$1,250 increment of income over \$45,000 will reduce the exempt amount by 20 percentage points, down to 0% for income over \$50,000) (H.B. 4789, Flider-Hassert-Mathias-Beiser-Boland et al.—Harmon-Demuzio-Wilhelmi-Lauzen et al.).

**Other Topics. Film production credit; Energy assistance.** The film production tax credit is changed by expanding the costs to which it applies from Illinois labor costs to the costs of any goods and services provided by Illinois vendors or residents; changing the percentage of such costs that qualify for the credit from 25% to (a) 20% of such Illinois spending plus (b) 15% of spending for labor in Illinois areas of high poverty or unemployment; expanding the amount of spending per employee that qualifies for the credit from \$25,000 to \$100,000; and no longer excluding the pay of the two highest-paid persons on a production. The Department of Commerce and Economic Opportunity is to report to the General Assembly each year on the credit law. Repeal of the credit is deferred from the end of 2006 to the end of 2007.



The Supplemental Low-Income Energy Assistance Fund can accept private donations, and receive a transfer of \$5,201,055 from the General Revenue Fund this fiscal year (S.B. 2030, Raoul-Martinez-J.Collins et al.—Colvin-Dunkin-Saviano-W.Davis-Yarbrough et al.).

**Riverboats & racetracks.** For the next 2 years, each riverboat that had at least \$200 million in adjusted gross receipts in 2004 must pay 3% of current adjusted gross receipts to a new Horse Racing Equity Trust Fund. Proceeds go for horse racing purses (60%) and to track owners to improve and operate tracks (40%). After those 2 years, transfers equal to 15% of adjusted gross receipts of new or recently relocated riverboats must resume going from the State Gaming Fund to the Horse Racing Equity Fund (H.B. 1918, Molaro-Hoffman-Washington—Clayborne-Hendon-W.Jones et al.). □

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# Social Services

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*Legislators passed several bills to increase mandatory reporting of suspected abuse and neglect of children, or disabled or older adults. Other successful bills are intended to protect nursing home residents from sex offenders living there; help persons who are disabled or over 65 buy anti-HIV drugs; and help low-income persons save for education, homes, or businesses.*

**Abandoned Newborns.** The Abandoned Newborn Infant Protection Act will apply to infants who appear to be up to 7 (formerly 3) days old (S.B. 2913, Trotter-Hunter-Martinez-Garrett-J.Collins et al. — Coulson-Jenisch-Bellock-Meyer-Flowers et al.).

**Abuse or Neglect Reporting.** *Children.* All school personnel (specifically including administrators) are mandated reporters of alleged child abuse or neglect. A school board member who hears an allegation of child abuse at a board meeting must direct school authorities to report it, and they must do so (H.B. 5375, Chavez-Rose-Burke-Mendoza-Berrios et al. — Hunter-Hendon-J.Collins-Martinez et al.).

*Elder self-neglect.* By 2008 the Department on Aging must begin collecting data and responding to reports of self-neglect of persons 60 or older. An Elder Self-Neglect Steering Committee will advise the Department on this topic. A court entering an *ex parte* order for assessment of reported self-neglect or for services to an alleged self-neglecter must appoint a guardian *ad litem* to review and possibly contest that order (H.B. 4676, Hamos-Fritchey-Joyce-Graham-Yarbrough et al. — Hunter-Martinez-Crotty-J.Collins-Maloney et al.).

*Investigations.* The Department of Human Services' Inspector General may subpoena witnesses and compel production of records in assessing a report of abuse of an adult with disabilities, subject to confidentiality requirements (S.B. 2763, Clayborne-Hunter — Holbrook-Younger et al.).

*Nursing homes.* The IDPH Director may appoint more teams to review abuse in nursing homes. With federal approval, the Abuse Prevention Review Team Act will be funded with fines from facilities under Medicare and Medicaid rules (S.B. 2326, Garrett-Radogno-Martinez et al. — Ryg-Jakobsson).

**Energy Assistance.** The Low-Income Home Energy Assistance Program (LIHEAP) has been moved from the Department of Commerce and Economic Opportunity to the Department of Healthcare and Family Services, and will have an Illinois income tax checkoff (S.B. 2579, J.Collins-Martinez-Hunter et al. — Smith-Boland-McGuire-Holbrook-Franks et al.).

**HIV Drugs.** The Illinois Seniors and Disabled Drug Coverage Program will expand next January 1 to cover persons over 65 or disabled who have HIV or AIDS and are eligible for Medicare Part D. After Medicare and the state program pay \$1,750 per year for a beneficiary's drugs, the person must make the normal copayments (plus 20% of the cost of each drug not on Illinois's AIDS Drug Assistance Program formulary) (H.B. 4302, Feigenholtz et al. — Ronen-Hunter-Sandoval-Lightford-Raoul et al.).

**Low-Income Students; Torture Victims.** If federal funds are provided, an "Illinois Steps AHEAD" program will offer educational services to low-income middle and high school students; an "Assets for Independence" program will help low-income persons save for education, homebuying, or starting a



business; and Medicaid services can be offered to state residents who seek asylum or are getting services through a federally funded torture treatment center (S.B. 2328, Martinez-J.Collins-Hunter — Delgado et al.).

**Mental Health & Developmental Disabilities.** *Abusive owners.* An owner or operator of a community agency, who is listed on the nurse aide registry as abusing or neglecting a patient, may not participate in providing mental health or developmental disability services funded by the Department of Human Services (S.B. 2491, Garrett-J.Collins — Hamos et al.).

*Home services.* A participant in a Home and Community Based Services Program for Persons with Developmental Disabilities who exhibits destructive or other behavior, preventing success in the program, must have an individual support plan. The plans must teach new skills and give opportunity for social integration (S.B. 2254, Sandoval-Hunter-Martinez — Brosnahan-Bellock).

*Involuntary treatment.* Each day that a state mental facility patient refuses psychotropic medication, a physician must put in writing why the patient did not meet standards for involuntary treatment. If the physician determines

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# State Government & Pensions

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*Bills that passed both houses provide for spinning off three public safety data systems from the Criminal Justice Information Authority to a nonprofit corporation created by the state; the transfer of \$250 million that had been planned for the General Revenue Fund, to three special funds; employers to get incentives to hire ex-offenders and veterans of recent wars; and increasing rights of contractors and subcontractors under the State Prompt Payment Act.*

**Fund Transfers.** The first \$250 million of amounts the Governor had directed to be transferred from other funds to the General Revenue Fund by the end of February 2006, but that remained pending on this Act's effective date (May 19), were redirected in equal amounts to the Drug Rebate Fund, Hospital Provider Fund, and Long-Term Care Provider Fund, with any excess over \$250 million going to the General Revenue Fund (S.B. 14, Trotter-Harmon-Hunter-Silverstein-J. Collins et al. — Hoffman et al.).

**Hiring Veterans and Ex-Offenders.** State chief procurement officers may encourage vendors to hire veterans and ex-offenders by methods including providing information on incentives to do so. Employers can get income tax credits of 5% of wages paid to veterans of wars involving Iraq, and to ex-offenders, subject to overall limits per employee. The Department of Corrections may offer pre-release job preparation programs. Nine occupations or professions are added to those for which ex-offenders can apply to be allowed to be licensed. A person who has committed up to two felonies (formerly one) can apply for relief from disabilities, which may make occupational or professional licensing possible (S.B. 1279, Link-E. Jones-Lightford-Trotter-Hunter et al. — Turner-Washington-Howard-Golar-M. Davis et al.).

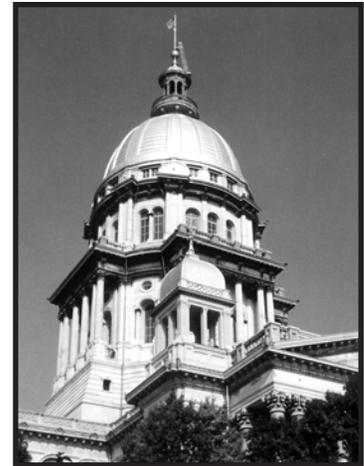
**Identity Breaches.** The Personal Information Protection Act (2005) is amended to allow data collectors that suffer breaches of personal information to delay notifying affected

persons if a law enforcement agency states that prompt notification would interfere with a criminal investigation. State agencies suffering such breaches must notify affected residents and the General Assembly; and if over 1,000 people are involved, must also tell all nationwide consumer reporting agencies that there was a breach—but need not identify affected persons (H.B. 4449, Holbrook-Beiser-Hoffman-Stephens-Reitz et al. — Haine-Clayborne-Syverson et al.).

**Jane Addams Day.** December 10 is designated to commemorate pioneering Chicago social worker Jane Addams (H.B. 5243, Currie-Bost-Phelps-Jefferson-Soto et al. — Hunter-J. Collins et al.).

**Liquor at Historic Sites.** Individuals and businesses (formerly only nonprofit groups) can provide alcoholic beverages at Historic Preservation Agency sites and the Abraham Lincoln Presidential Library and Museum, with proper consent (S.B. 2454, DeLeo — Reitz-Brauer-Hoffman-Sacia-Poe et al.).

**Open Meetings Act.** The Act's definition of a "meeting" is expanded to include video and audio conferences, phone calls, and the use of other contemporaneous electronic communications such as "chat" or instant messages, if a majority of a quorum participates. But if a meeting is required to be open, a quorum must be physically present at one place—except that (1) state advisory bodies need not comply with that rule, and (2) members of a statewide body may meet in more than



one public building if interactive video equipment is used and the public has access. A majority of a physically present quorum may allow other members to participate by video or audio conference for good cause (S.B. 585, Cullerton-E. Jones-Harmon — Flider-Jakobsson-J. Watson et al.).

**Park Renamed.** The Illinois Beach State Park is renamed the Adeline Jay Geo-Karis Illinois Beach State Park (S.B. 626, Garrett-E. Jones-Link-Hunter-Martinez et al. — Ryg-Washington-Beaubien-Mathias-May et al.).

**Pensions. Buyout.** Last year's "alternative retirement cancellation payment," letting up to 500 state employees retire with pension buyouts, is repeated (S.B. 1977, Schoenberg-Trotter-J. Collins — Madigan-Hannig).

**Pay boosts.** An existing requirement that if a SURS or TRS participant's pay, in a year that will affect the pension, is more than 6% higher than it was the preceding year, the employer must pay to the pension system the resulting increase in pension liability, will apply to pay figured on a full-time-equivalent basis. An employer billed for such an amount can dispute it within 30 days and, if unsuccessful, take 90 days (was 30) to pay the system—or pay over 3 years with interest. From June 2005 through June 2011, these recoupment requirements will not apply if higher pay is due to bona fide overtime pay or promotion.

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# Transportation

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*The General Assembly voted to authorize automated enforcement programs for traffic signals and railroad crossings; require teenage applicants for drivers' licenses to have at least 50 hours of practice driving, including 10 at night; and extend the time during which data on traffic stops by police must be collected.*

## **Drivers' Licenses.** *Commercial.*

Grounds for disqualification for a commercial driver's license are expanded to include driving a noncommercial vehicle with an illegal blood alcohol level or when under the influence of drugs, and killing someone with a vehicle (S.B. 2230, Munoz—Lang-Froehlich).

*Graduated.* A license applicant who is under 18 must have 50 hours of practice driving, including at least 10 at night, and written consent from a parent—even if a parent consented to issuance of a learner's permit (H.B. 4768, D'Amico-Fritchey-J.Lyons-Froehlich-M.Davis et al.—Cullerton-Axley-Althoff-Crotty-Sandoval et al.).

**Farm Trucks.** Farm product transportation is exempted from federal regulations on drivers' hours year-round (formerly from February through November) (H.B. 708, Black-Fritchey-Myers-Smith et al.—J.Sullivan-Crotty).

**Littering.** Persons convicted of littering a highway may be required to pick up litter on a part of it for 30 days (added to other penalties) (H.B. 4451, Beiser-Boland-Parke et al.—Lightford et al.).

**Motor Carrier Sanctions.** The Secretary of State may revoke or suspend the registration of a vehicle if notified by the U.S. Department of Transportation that it violates Federal Motor Carrier Safety Regulations (H.B. 4657, Dunkin et al.—Munoz).

**Racial Profiling.** Starting in 2008, a 15-member Racial Profiling Prevention and Data Oversight Board will

advise the Department of Transportation on eliminating racial profiling in traffic stops. It will propose policies for police, and analyze and report data from traffic stops—now to be collected through June of 2010, not only through 2007. Such data will include the duration of traffic stops; whether consent to search was requested and given; and whether contraband was found (S.B. 2368, Raoul-Trotter-J.Collins-Dillard-Hunter et al.—M.Davis-W.Davis-Turner-Hoffman-Graham et al.).

**Routes Map.** The Department of Transportation must make a list of all streets and highways designated as Class I, II, or III under Vehicle Code section 1-126.1; localities must report to the Department all such roadways in their jurisdictions. The Department must create a map of the Designated State Truck Route System (S.B. 1086, J.Sullivan et al.—Phelps-Pritchard-Boland-Reitz-Black et al.).

**Tow-Zone Signs.** The parking lot for a 2- to 4-family residence in a municipality of under 250,000 need have only one sign, prominently placed at the lot entrance, warning of towing of unauthorized vehicles (S.B. 2233, Link—Washington).

**Traffic Enforcement.** *Automated equipment.* Cook County and its collar counties; Madison and St. Clair Counties; and municipalities within any of them can use automated systems to enforce traffic signals. Notice and recorded images will be sent to the vehicle's owner within 90 days, with limited grounds for possible appeal. Penalties for violation are limited to \$100 plus \$100 for failure to pay. The



owner's driving privileges can be suspended for 5 unpaid violations. Automatic equipment to enforce maximum or minimum speeds may be used only with a police officer present or in construction or maintenance zones (H.B. 4835, Saviano-Froehlich-Mathias-Yarbrough et al.—Cullerton-Millner et al.).

*Hire-back funds.* In addition to some provisions in the bill above, additional fines for speeding in construction zones on non-Interstate highways will go into state or county funds to pay off-duty officers to patrol construction zones (S.B. 2650, Harmon—Jakobson-Saviano).

*Prosecutions.* In prosecutions for speeding in roadway work zones using automated cameras, the prosecution must prove that workers were present during a charged violation (H.B. 3126, Hultgren—Cullerton).

*Rail crossings.* The Commerce Commission and Department of Transportation may help local police set up automated enforcement systems to photograph rail crossing violations and mail citations to vehicle owners. Any crossing so equipped must have a sign warning drivers (S.B. 2865, Harmon-Dillard-Lightford—Saviano-Mathias-Froehlich-Yarbrough-Durkin et al.). □

*Kevin Jones  
Research Associate*

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## Social Services

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that the patient does meet the standard, the facility director must petition a court to authorize such treatment. The court may consider the patient's serious acts of violence and other history (S.B. 998, Crotty-E.Jones-Hunter-Luechtefeld—Reitz-Lang-Poe-Kelly-Beiser).

*Reporting.* All persons providing, administering, or monitoring mental health or developmental disability services for DHS must report to its Inspector General within 4 hours after learning of alleged abuse or neglect of a resident of a long-term care facility; violation will be a Class A misdemeanor (S.B. 3010, Cullerton-J.Collins et al.—Feigenholtz-Yarbrough-Osterman et al.).

**Nursing Homes.** *Emergency discharges.* A nursing home ordered by IDPH to transfer or discharge patients due to an emergency must offer to inform their case coordination units (S.B. 2695, Geo-Karis-Lightford-Crotty-Halvorson-Pankau et al.—Mendoza-Coulson—Bellock et al.).

*Resident sex offenders.* Nursing homes must do criminal history checks on all current residents and applicants. If a resident is a convicted sex offender, the Illinois Department of Public Health (IDPH) must analyze the resulting security risk, and the home must include IDPH's report in the resident's care plan. Residents, their guardians, and employees may ask whether a home has any registered sex offenders. The Abuse Prevention Review Team Act will not expire July 1 (H.B. 4785, Brosnahan-Daniels-Joyce-Smith-Holbrook et al.—Maloney-J.Collins-Hunter et al.). □

Laura Schwarz  
Research Assistant

## State Government & Pensions

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Employer contributions for extra sick leave must be paid to TRS within 30 days after retirement begins. Both systems must report annually to the General Assembly on such billing and recalculations (S.B. 49, Schoenberg-Harmon-Demuzio-Raoul-J.Collins et al.—Gordon-Hoffman-Colvin-Reitz-Dugan et al.).

**Prompt Payment Act.** If a bill for construction costs, sent to a state agency, has a defect preventing processing, the agency must tell the vendor within 30 days. A public agency that does not approve all items of construction costs must pay those it approves. Payments to subcontractors and material suppliers must include their shares of any interest on delayed late payments (H.B. 5260, Durkin-J.Lyons-J.Bradley-A.Collins et al.—Link-Alt Hoff).

**Public Safety Agency Network.** The Illinois Public Safety Agency Network (IPSAN), a nonprofit corporation, is to be established to supervise the ALERTS, ALECS, and PIMS systems for sharing data among public-safety agencies. It will have a board of nine voting and five nonvoting directors, and can "lease" employees of the Criminal Justice Information Authority (CJIA) or Governor's office who worked on criminal justice information. All money in the Criminal Justice Information Systems Trust Fund is transferred to IPSAN, along with all CJIA contract workers and property used by the three data systems listed above (S.B. 2137, Halvorson-Garrett-Rutherford-DeLeo-Axley et al.—Mendoza-Moffitt).

**Veteran Health Coverage.** A program to help veterans with low incomes, ineligible for Veterans Health Administration benefits, will operate to the extent funds are available. It will be administered by the Department of Healthcare and Family Services, and

will 'piggyback' on Medicaid. Its initial funding is a \$2 million transfer from the General Revenue Fund to the Veterans Assistance Fund (S.B. 627, Halvorson-E.Jones-J.Sullivan-Wilhelmi-Demuzio et al.—Mautino-Chapa LaVia-Dugan-Phelps-Gordon et al.). □

Rebecca Young  
Science Research Assistant

## LRU Publications

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

### County Data Book

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

### Federal Funds to State Agencies: FY 2004-2006

This publication presents information on federal aid programs administered by Illinois state agencies.

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

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

### 1970 Illinois Constitution Annotated for Legislators

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

### Illinois Tax Handbook for Legislators

This handbook gives information on every significant Illinois state tax.

### Laws for Youth

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

### Penalties for Crimes in Illinois

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

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# 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.

## **Board of Education**

### *Annual statistical report, 2004*

Statistics on student distribution and attendance among elementary and secondary schools during 2003-2004; enrollment by race, sex, grade, and geographical boundaries; enrollment for bilingual, special education services, and before- and after-school programs; number of graduates and dropouts; personnel; teacher certificates issued; school district assets and liabilities; bond and tax referenda; per capita costs; transportation expenses; teacher orders; tax rates; driver education expenses; and state aid claims. (105 ILCS 5/2-3.11; Dec. 2005, 355 pp., 29 tables + 1 appendix)

### *Before- and After- School Programs annual report, FY 2005*

There are 483 public school districts operating about 680 before- and after-school programs in Illinois. In FY 2005, 250,863 students were served by the programs, 7% more than FY 2004. Thirty-four percent of the programs offered both before- and after-school programs with the remaining 64% offering only after-school. Nineteen percent of the programs were offered on school days and holidays, 16% in the summer, and 2% on Saturday and Sunday. Seventy percent of the programs offered homework help. The number of students on waiting lists for the programs increased 110% to 8,201 in FY 2005. The total cost of the programs was \$115.3 million in FY 2005. (105 ILCS 5/2-3.11b; Sept. 2005, 22 pp.)

### *Complaints against private businesses and vocational schools, 2005*

Gives name, address, and date of visit by State Board of Education for each institution; summary of complaints; and status of investigations. The Board resolved 16 complaints and had 6 cases still open. (105 ILCS 425/14.2; Jan. 2006, 40 pp.)

### *Comprehensive Strategic Plan for Elementary and Secondary Education, 2005*

The plan focuses on increasing literacy, improving educator quality, and expanding data-driven management and school support practices. Specific focuses include early childhood education, teacher recruitment, pooling shared services, and flexible budgets. (105 ILCS 5/2-3.47a(b); Sept. 2005, 14 pp.)

### *Cumulative report on waivers and modifications, 1995-2005*

Summary chart classifies 3,552 approved waivers and modifications into seven general categories for school districts: calendar or general instruction time (2,332); course offerings (722); employment issues (222); fiscal issues (202); health and safety (47); accountability (17); and governance (10). To date, waivers or modifications have been approved by ISBE or the General Assembly for 886 school districts; 24 special education cooperatives; 23 regional offices of education; and 7 area vocational centers. The

General Assembly has considered 1,306 applications. Of these, 1,157 (88.6%) have been approved and 149 (11.4%) have been denied. Recommendations include granting local control for observation of school holidays and increasing the maximum fee that a district may charge for driver's education classes. (105 ILCS 5/2-3.25g; Feb. 2006, 22 pp.)

### *Education mandates annual report, 2005*

Twenty-three laws (P.A. 94-151 and P.A. 94-410 are identical; P.A. 94-189 and P.A. 94-200 are identical) enacted in 2005 imposed 24 mandates on schools. The 15 mandates with undetermined costs include checking the Statewide Sex Offender Database for applicants for employment; providing a unit of instruction about genocide; and conducting drills for school evacuation, bus evacuation, law enforcement, severe weather, and shelter-in-place. The 9 mandates with no cost include instruction about steroid abuse for student-athletes; requirements for physical education courses; notification to State Board before issuing debt that exceeds 75% of the debt limit; and providing instruction on history of slavery. (105 ILCS 5/2-3.104; Mar. 2006, 6 pp.)

### *Educator supply and demand annual report, 2004*

In 2004 Illinois had 140,654 educators and a retention rate of 92% from 2003. The number of first-time teacher certificates rose 11%. The Board expects that K-12 enrollments will remain nearly constant over the next four years, but secondary enrollments are expected to substantially increase in that time period. Educational areas with likely under-production of qualified applicants are special education, nurses, math, and physical education. Areas with likely over-production are administrators, guidance counselors,

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and social sciences. There were 1,409 unfilled positions in 2002-2003 with 70% of those in the Chicago School District. (105 ILCS 5/2-3.11c; undated, rec'd May 2005, 17 pp. + 4 appendices)

*School Wellness Policy Task Force, Jan. 2006*

The task force met for the first time in Nov. 2005. The members identified 27 barriers to implementing school wellness policies. The members then identified recommendations and/or actions to overcome the top 5 barriers (schools have other priorities, wellness policies not developed by teams, lack of resources, lack of awareness on relationship between wellness and academics, and possible loss of revenue). (105 ILCS 5/2-3.137; Jan. 2006, 11 pp.)

*Waivers of school code mandates, Fall 2005*

Summary chart classifies 136 requests for waivers into 10 categories and lists their status: Content of Evaluation Plans (3 transmitted to GA); Driver Education (2 approved, 4 transmitted to GA); Funds (1 transmitted to GA); Legal School Holidays (80 approved, 6 withdrawn or returned); Limitation of Administrative Costs (3 transmitted to GA); Parent-Teacher Conferences (9 transmitted to GA); Physical Education (3 approved, 11 transmitted to GA); PSAE-Instructional Time (4 withdrawn or returned); School Improvement/Inservice Training (6 transmitted to GA); Substitute Teachers (1 approved, 1 transmitted to GA, and 1 withdrawn or returned). Section I describes the 38 requests transmitted to the General Assembly. Section II describes the 86 requests approved by ISBE. Section III describes the 12 requests withdrawn or returned. (105 ILCS 5/2-3.25g; Sept. 2005, 42 pp. + Executive Summary)

**Capital Development Board**

*Reorganization of Building Commission and Capital Development Board*  
Executive Order 04-5 (2004) transferred the personnel and duties of the Illinois Building Commission (IBC) to the Capital Development Board (CDB), specifically as the Division of Building Codes and Regulations within CDB's Office of Professional Services. Travel expenses and per diem for the 11 commissioners will no longer need to be paid, resulting in a minimal savings. (15 ILCS 15/11; July 2005, 6 pp.)

*Summary of results of Executive Order 04-5 (2004)*

Illinois Building Commission's duties and staff were transferred to the Capital Development Board (CDB) July 1, 2004. CDB received the Illinois Building Commission's FY 2004 funding, totaling \$293,000. About 90% (\$262,200) of funding was for personnel. CDB oversees about 700 capital projects annually, worth about \$2.1 billion. Agency's duties include asbestos removal in state facilities, assisting State Board of Education in the School Construction Grant Program, and acting as a liaison for government and general public in interpreting building codes. (15 ILCS 15/11; May 2005, 11 pp.)

**Central Management Services, Dept. of**

*Flex Time positions, 2005*

The State Agency Child Care Services Act requires agencies to develop plans to reduce usage of day care through the use of flex time among eligible employees. Among 52,169 employees, 13,817 (26.49%) used flexible work hours. Twenty-two agencies increased participation while 15 reported reduced usage. Of the 13,817 flex time participants, 11,629 (84.16%) used flexible hours, 1,725 (12.48%) worked full time in a compressed

work week, 452 (3.27%) worked part time, and 11 (0.07%) participated in job sharing. (20 ILCS 415/9(3)); Mar. 2006, 3 pp.)

*Recycling and recycled paper procurement, FY 2005*

The I-Cycle program of wastepaper collection in state offices has 251 sites and 43,061 participating employees. Approximately 41 sites recycle cardboard and 3 recycle plastics. Reported tonnages are no longer accrued. Central Management Services procured \$4,562,370 of paper and \$1,763,359 of envelopes during FY 2005; 30% of the paper and 40% of the envelopes were recycled products. The Procurement Services Division bought \$2,869,975 of toilet tissue, napkins, and other paper products for the state; 35% of these products were recycled. (415 ILCS 20/3(j); Nov. 2005, 7 pp.)

*Small Business Set-Aside Program, FY 2004*

State agency contracts totaling \$3.01 million were awarded to small businesses under the set-aside program. Businesses owned by women, minorities, and persons with disabilities received \$145,953. Fourteen agencies awarded contracts under the program, including CMS (\$1.19 million); Toll Highway Authority (\$464,947); DHS (\$352,064); and State Police (\$201,771). CMS currently has 45 service categories designated as set-asides, such as carpentry, painting, snow plowing, and lawn care. (30 ILCS 500/45-45(f); June 2005, 5 pp.)

*Small Business Set-Aside Program, FY 2005*

The total value of awards made in FY 2005 under the designation of Small Business Set-Aside purchases was \$14 million, with \$7.19 million of the awards made to businesses owned by minorities, women, and persons with disabilities. There were 65 types of

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set-aside services identified and 25 agencies, boards, or commissions listed as set-aside purchasers. The Department of Central Management Services also conducted 47 workshops and increased participation by qualified small businesses by 57%. (30 ILCS 500/45-45(f); Jan. 2006, 4 pp.)

### *State employee child care centers, 2005*

The state oversees 3 privately run on-site child care centers for employees' children, in Chicago, Springfield, and Kankakee. Chicago's Child Development Center in the Michael A. Bilandic Building is managed by Early Child Care Services, Inc., and has been accredited for the third time by the National Association for the Education of Young Children. The center provides full-time care for children ages 2 through kindergarten. It is licensed for 78 children, but chose to raise standards by limiting the number served to 66. The center has 3 full-time teachers for 4 classrooms. The Springfield center in the Revenue Building is operated by Bright Horizons Family Solutions and is in its 20th year of service. It added a junior kindergarten program in 2005. Kankakee's Learning Milestones, Inc. in the Shapiro Center, serves children from 6 weeks to 13 years (children ages 6-13 receive before- and after-school care). The center is also licensed by the Department of Children and Family Services to provide extended hours of care (until midnight). The Dependent Care Assistance Program allows employees to pay for child care with tax-free dollars by using flexible spending accounts. In FY 2005, 1,389 employees participated in

the program with contributions totaling \$5,182,175. (30 ILCS 590/3; Dec. 2005, 4 pp.)

### *Summary of results of Executive Order 03-10 (2003)*

As part of an effort to streamline state government, legal staff functions related to personnel and procurement in certain agencies were transferred to CMS. A renegotiated online legal research contract saved \$233,907 in FY 2004 and \$469,593 in FY 2005. CMS also created standardized legal contracts. These are available for use by all state agencies. Some outside legal services contracts were reviewed and renegotiated, saving \$1.5 million in FY 2004 and \$3.8 million in FY 2005. (15 ILCS 15/11; Nov. 2005, 2 pp.)

### *Summary of results of Executive Order 03-10 (2003)*

Executive Order 03-10 consolidated the internal auditing functions of 26 agencies into the Illinois Office of Internal Audit, within CMS. The Office performed 184 audits for 36 entities; 151 of those audits resulted in 518 reported findings, most including expenditure control weaknesses and concerns with management and organization of agencies. Recommendations include amending the Fiscal Control and Internal Auditing Act to correct inconsistencies requiring a risk-based auditing cycle versus a required 2-year audit. (15 ILCS 15/11; Nov. 2005, 2 pp.)

### **Children and Family Services, Dept. of**

#### *Report on the Abandoned Newborn Infant Protection Act, 2005*

Parents are immune from criminal prosecution if they safely abandon their children at a hospital, emergency medical facility, or fire station within 72 hours of birth. Public Act 93-820 adds police stations to the list of safe havens. Since the Act's inception

in 2001, 11 infants have been relinquished under the law, while 17 babies were illegally abandoned and 9 found dead. The Department recommends funding for more public information campaigns to improve effectiveness. (325 ILCS 2/ 1 et seq.; Jan. 2005, 5 pp.)

### **Commerce and Economic Opportunity, Dept. of**

#### *Annual report on workforce development and job training, 2005*

The Department reports that Workforce Program Consolidation has saved a total of \$19.8 million, with Jobs for Illinois Graduates funding at ISBE eliminated (savings of \$7.24 million), funding for Current Workforce Training Grant at ICCB reduced (savings of \$1.96 million), operational funding for Prairie State 2000 Authority eliminated (savings of \$528,600), funding for Industrial Training Program at DCEO reduced (savings of \$7.1 million), and shifting DCEO administrative costs to WIA (Workforce Investment Areas) or WIA indirect recoveries (savings of \$2.97 million). DCEO delegated administration of the Federal Trade Adjustment Assistance program to the Illinois Department of Employment Security for FY 2004. The Bureau of Workforce Development has a new organizational design, including a fully consolidated Regional Workforce Management Division, a Program Development Division, and a Special Projects Division. (15 ILCS 15/11; July 2005, 3 pp.)

*High-Impact Business designation*  
OfficeMax Incorporated plans to invest \$16 million and create 600 new full-time jobs in Naperville. The company qualifies for Illinois' High Impact Business tax credits and exemptions for up to 20 years, provided that it fulfills the minimum requirements for investments and jobs. (20 ILCS 655/5.5(h); Nov. 2005, 2 pp.)

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*High-Impact Business designation*  
Franklin County Power plans to invest over \$700 million in a power generating station west of Benton. Project will create over 600 temporary construction jobs and 300 permanent jobs. Company qualifies for Illinois High Impact Business tax credits and exemptions for up to 20 years, and for Public Utility Act exemptions for 5 years (and longer if reauthorized) provided it fulfills the minimum for investments and jobs. (20 ILCS 655/5/5(h); Aug. 2005, 2 pp.)

*Renewable Energy Resources Program report, 1997-2004*  
The Renewable Energy Resources Program (RERP) has facilitated \$235.5 million in renewable energy projects in Illinois since its inception in 1997. RERP has awarded 112 grants and 247 rebates, totaling \$25.3 million. From inception through 2002, the funding was distributed as follows: 42% to solar photovoltaic projects, 32% to large wind projects, 9% to landfill gas projects, 8% to hydropower projects, 8% to non-landfill gas projects, and 1% to solar thermal projects. In 2003-2004, DCEO allocated 53% of funding to wind projects, 19% to biogas projects, 14% to solar thermal projects, and 14% to photovoltaic projects. No hydropower or landfill gas projects applied for funding. (20 ILCS 687/6-3(e); Dec. 2004, 17 pp.)

#### **Commerce Commission**

*Electric utilities experimental programs, 2004*  
Electric utilities have operated a total of 19 experimental programs since the Electric Service Customer Choice and Rate Relief Law was enacted in 1997. These programs have been operated by AmerenCIPS, AmerenUE, ComEd, and Illinois Power. During 2004, three programs were in effect. AmerenCIPS and AmerenUE began

offering curtailment programs in 1999, giving customers a credit for each kWh curtailed. No curtailments were called for during 1999-2004. The Ameren programs essentially have been terminated and replaced with similar ICC-approved tariffed load curtailment programs. ComEd offered a high density electrical load commercial installation pricing experiment in 2001. The program closed to new participants in 2002. Currently, one customer is participating in the program, in which ComEd installed facilities for anticipated heavy use by businesses. Illinois Power's voluntary load curtailment program ended December 31, 2004. Appendix lists all programs since 1997. (220 ILCS 5/16-106; Nov. 2005, 10 pp. + appendix)

#### *Transportation regulatory fund annual report, FY 2005*

Fund received \$9.04 million and spent \$7.29 million. Nearly \$3.4 million went to regulate motor carriers and \$3.9 million for railroads. Income from motor carriers was \$5.7 million, and from railroads \$3.3 million. Fund had 63 employees. (625 ILCS 5/18c-1604; Sept. 2005, 9 pp.)

#### **Corrections, Dept. of**

##### *Quarterly report on adult and juvenile facilities, April-June 2005*

There were 44,563 inmates in all adult facilities on May 31, 2005. This was 724 under the 45,287 total projected for May 2005. Total population in adult transition centers was 1,322 (42 over the total capacity of 1,280). There were 9,322 inmates participating in educational and vocational programs. The ratio of security staff to inmates is about 1:5. A majority of inmates, 66%, are double-celled; 24% multi-celled; and 10% single-celled. Juvenile institutions held 1,394 youth with 1,370 in educational and vocational programs. Juveniles were 50% single-celled; 43% double-celled; and

7% multi-celled. (730 ILCS 5/3-5-3.1; July 2005, 23 pp.)

##### *Quarterly report on adult and juvenile facilities, July-Sept. 2005*

Department had 44,914 residents in adult facilities on August 31, 2005, versus capacity of 33,801. Population is projected to be 46,617 by August 2006. Prisoners were 9% single-celled, 66% double-celled, and 24% multi-celled. Average ratio of security staff to inmates was 1:5. Department had 1,402 residents in juvenile facilities on August 31, 2005, with a capacity of 1,580. Average ratio of security staff to inmates was 3:5. The juvenile population is projected to be 1,504 by August 2006. There were 1,333 juveniles served by educational and vocational programs. (730 ILCS 5/3-5-3.1; Oct. 2005, 24 pp.)

##### *Quarterly report on adult and juvenile facilities, Oct.-Dec. 2005*

There were 45,125 inmates in all adult facilities on Nov. 30, 2005. This was 702 under the 45,827 total projected for Nov. 2005. The total population in adult transition centers was 1,316 (36 over the total capacity of 1,280). There were 10,689 inmates participating in educational and vocational programs. The ratio of security staff to inmates is approximately 1:5. A majority of inmates, 66%, are double-celled with approximately 37 square feet of actual living area per inmate. There were 1,449 youth in all juvenile institutions. This is below the 1,580 rated capacity. There were 1,358 juveniles in educational and vocational programs. Juveniles were 49% single-celled, 44% double-celled, and 7% multi-celled. (730 ILCS 5/3-5-3.1; Jan. 2006, 26 pp.)

##### *Quarterly report on adult and juvenile facilities, Jan-Mar. 2006*

There were 45,279 inmates in all adult facilities on February 28, 2006. This

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was 806 under the 46,085 projected for February 2006. The total population in adult transition centers was 1,298, 18 over the total capacity of 1,280. There were 10,955 inmates participating in educational and vocational programs. The ratio of security staff to inmates is 1:5. A majority of inmates, 66%, are double-celled with approximately 37 square feet of actual living area per inmate. There were 1,407 youth in all juvenile institutions, which is below the rated capacity of 1,634. There were 1,360 juveniles in educational and vocational programs. Juveniles in single-cells are 49% of the population; double-cells, 45%; and multi-cells, 6%. (730 ILCS 5/3-5-3.1, April 2006, 24 pp.)

### *Redeploy Illinois Amended Legislative Report, January 2006*

Redeploy Illinois pilot program, created in 2004, gives financing to counties to provide services to delinquent youths at risk of being sent to Department of Corrections. The state appropriated \$2 million in FY 2005 and \$1.5 million in FY 2006. The 4 pilot sites are the 2nd Judicial Circuit (12 rural southeastern counties) and Macon, Peoria, and St. Clair counties. Projected reductions in IDOC commitments from the pilot sites were 33% during the first year. The program was projected to save IDOC over \$2.1 million during the first year. (730 ILCS 110/16.1(g)(1)(ii)(F); Jan. 2006, 8 pp.)

### *Statistical presentation, 2004*

The Department operates 27 adult correctional centers, 8 adult transition centers, 7 work camps, 2 impact incarceration programs, 23 parole offices, and 3 day reporting centers. In 2004 the prison population grew by 1.5% to 44,054, which was 35.1% over rated

capacity. Another 33,089 offenders were on mandatory supervised release. The prison population by offense for 2004 was: 42.9% person, 25.0% drug, 21.2% property, 9.9% sex, and 0.9% other. Includes statistics on prison population, length of stay, recidivism rates, sentences imposed, and admissions. (730 ILCS 5/5-5-4.3, Oct. 2005, 136 pp. + tables, figures, 2 appendices)

### **Disabilities Services Advisory Committee**

#### *Status report, 2005*

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 met 5 times in 2005, choosing two co-chairs (Ann Ford and Art Dykstra), establishing procedural rules, and developing 7 policy directions to: develop a range of community services; develop a support system to ensure services are timely and effective; increase high quality care; develop monitoring and accountability systems; support the network of families, friends, neighbors, and communities; improve direct-care workforce; and improve state agency services. (20 ILCS 2407/20(d); July 2005, 8 pp. + 5 appendices)

### **Environmental Protection Agency**

#### *Toxic chemical report, 2003*

In 2003, 1,239 Illinois facilities released or transferred 132.4 million pounds of toxic chemicals. Zinc compounds had the highest reported releases and transfers (43 million pounds). Facilities in Peoria County reported the highest total releases of toxic chemicals. Air emission releases were the most common at 42% of the total. Tables and charts give detailed data for releasing and transferring toxic chemicals for top 20 counties,

facilities, and industries. (415 ILCS 5/25b-4; Sept. 2005, rec'd Jan. 2006, 16 pp.)

### **Financial and Professional Regulation, Dept. of**

#### *Insurance cost containment report, 2005*

Direct written premium in Illinois was \$21.7 billion in 2003, 4.7% of the nationwide total. Losses in Illinois totaled 70.1% of earned premiums in 2003, compared to 75.2% in 2002. Percentages for property/casualty premiums written in Illinois are: private passenger automobile insurance, 29.3%; homeowners, 15.6%; commercial auto, 10.3%; general liability, 4.7%; medical malpractice, 3.1%; and all other, 36.9%. (215 ILCS 5/1202(d); Apr. 2005, 39 pp. + 6 appendices)

#### *Report on the Effects of the Banking on Illinois Act, 2005*

The Act lets Illinois-chartered banks offer almost any services that banks in other states can offer. As of September 2004, Illinois had 651 commercial banks located in the state, the most of any state. Of these, 489 banks (75%) were state chartered. In 2004, the Department issued six commercial state bank charters, three for de novo institutions and three conversions from national bank charters. The Department chartered its first bank organized as a limited liability company in 2004. Branching restrictions under the Illinois Banking Act have been removed in an effort to bring new entities to Illinois and deter Illinois banks from leaving the state. Two Illinois banks have since opened branches in Indiana. The Department suggests that the Illinois General Assembly closely monitor amendments by the Office of the Comptroller of Currency and the Office of Thrift Supervision which the Department says pre-empt state laws. (S. Res. 121 (1999); Apr. 2005, 3 pp.)

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**Government Forecasting and Accountability, Commission on*****Alternative retirement cancellation payment, FY 2005***

Outlines estimated payroll savings and net annual savings in FY 2005 due to the alternative retirement cancellation payment (ARCP) offered to eligible members of the State Employees' Retirement System (SERS) in June 2004. A total of 542 employees participated and were paid refunds through the ARCP. Active members in SERS declined from 73,465 in June 2004 to 70,537 in Nov. 2005, a decrease of 2,928. Commission determined that the ARCP reduced unfunded liability of SERS by \$4.8 million. Commission also estimated that the ARCP resulted in \$3.3 million in payroll savings and \$4.5 million in net FY 2005 savings. (40 ILCS 5/14-108.5(g); Dec. 2005, 6 pp.)

***Budget summary of the State of Illinois, FY 2006***

The FY 2006 budget totaled \$43.574 billion. Of the total, 56% is General Revenue Funds, 31% is other state funds, and 13% is federal funds. The major purposes of the operating budget are health care and family services (34.9%), education (26.7%), human services (17.1%), economic development and infrastructure (7.8%), government services (6.1%), public safety (5.7%), and environment and business regulation (1.8%). Short-term borrowing to pay Medicaid bills was paid off in June 2005, including \$5.7 million in interest. Current G.O. bond authorization for new projects is \$16.927 billion, with about \$3.244 billion unissued as of June 30, 2005. Build Illinois bond authorization is \$3.806 billion, with approximately \$687 million unissued as of June 30, 2005. No increases have been authorized since January 2004. The FY 2006 budget was enacted by one omnibus appropri-

ations bill, P.A. 94-15, and three budget implementation bills: Education Budget Implementation, P.A. 94-69; Finance Budget Implementation, P.A. 94-91; and Human Services Budget Implementation, P.A. 94-48. (25 ILCS 155/3(12); Sept. 2005, 86 pp.)

***Legislative Capital Plan Analysis, FY 2006***

Governor's capital budget proposal for FY 2006 included \$3.541 billion in new appropriations and \$7.091 billion in reappropriations. Proposed new appropriations were from bond funds (\$34.5 million), various revenue funds (\$2.083 billion), and federal or trust funds (\$226.5 million). New appropriations were proposed for the following purposes: school construction, \$500 million; capital development, \$116.1 million; and Build Illinois, \$50 million. General obligation bond authorization for new projects is \$16.927 billion. Debt service from general obligation bonds is expected to cost \$1.169 billion, up \$70 million (6%). Debt service from all bonds, including pension obligation bonds, is expected to cost \$1.665 billion, up by \$70 million (4.4%). Describes capital projects of agencies recommended for new appropriations. (25 ILCS 155/3(8); Apr. 2005, 28 pp. + tables and graphs)

***Report on the 90% funding target of P.A. 88-593***

P.A. 88-593 requires the state to make contributions to the state retirement systems to ensure assets will equal 90% of liabilities by 2045. The Commission on Government Forecasting and Accountability found that the cost of the plan has not dramatically increased from the 1994 forecasts. Counteractive factors such as formula increases, investment gains and losses, bond proceeds, and funding reductions and reforms in P.A. 94-4 allowed the forecasts to remain nearly accurate.

The Commission found that although the pension funding plan will present budgeting challenges, 90% funding is still an appropriate goal. (40 ILCS 5/1-103.3(c); Jan. 2006, 32 pp.)

***Wagering in Illinois, 2005***

Examines the impacts of state lottery, horse racing, and riverboat gambling on Illinois' economy. State lottery transferred \$614 million, 7.7% more than FY 2004 and the largest amount since the lottery began in 1975, to the Common School Fund; riverboat gambling transferred to the Education Assistance Fund and deposited in the Common School Fund a total of \$699 million, 5.7% more than FY 2004; and horse racing collected an estimated \$12 million in revenue for the state, 7.7% less than calendar year 2004. The maximum tax rate for riverboats was reduced from 70% to 50% on July 1, 2005. Proposals to increase overall gaming revenues include: adding additional riverboats near Chicago, increasing the number of gaming positions at the current riverboats, and adding slot machines at racetracks. (S. Res. 875 (1991); Aug. 2005, 44 pp., tables and charts)

**Guardianship and Advocacy Commission*****Annual report, 2004***

The Commission protects rights of persons with disabilities through the Office of State Guardian, Legal Advocacy Service, and Human Rights Authority. In FY 2004 the Office of State Guardian helped 5,393 adults with medical, residential, and financial matters; the average caseload per guardianship representative was 127. Legal Advocacy provided representation, information, and referrals to 8,440 clients. The Human Rights Authority investigated 748 cases of alleged violations of rights of disabled persons with 94% of the Authority's

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

(continued from p. 29)

recommendations implemented by providers, benefiting 12,858 persons. (20 ILCS 3955/5(h); Nov. 2005, 23 pp.)

### **Housing Development Authority** *Annual report, 2005*

IHDA leveraged \$662 million in development costs from the private sector in 2004. It loaned \$138.4 million to 1,679 low- or moderate-income families for first-time home ownership. It gave 1,320 families \$10.7 million in cash grants for down payments and closing costs and 727 families \$9.5 million in grants and loans for home renovations. Over its 37 years of service, it has helped 65,737 families buy homes and financed 101,225 multifamily rental housing units with over \$6.6 billion. Tables show location and costs of IHDA projects. (20 ILCS 3805/5; undated, rec'd Sept. 2005, 9 pp.)

### **Human Services, Dept. of**

#### *Autism Task Force report, September 1, 2005*

Discusses implementing a service system for persons affected by Autism Spectrum Disorder (ASD). Guidelines include providing responsive and consumer-driven administrative policies; accessing all available funding sources to finance services for persons with ASD; and disseminating information about autism to the public. Other recommendations include establishing an Autism Waiver program through the Federal Centers for Medicare and Medicaid Services that provides services to ASD children between ages 3 and 18; and requiring insurance companies to increase their level of ASD coverage. (20 ILCS 1705/57; Sept. 2005, 31 pp.)

#### *Child care, FY 2005*

In FY 2005 the Department received \$690.1 million for employment-related childcare and served 289,024 children. \$618.9 million went to subsidized child care. Average monthly payment per full-time child was \$276, excluding parent co-pays. To qualify (but not be guaranteed service) a family had to earn less than 50% of the 2003 state median income. The average family size for child care assistance participants is 3.4. Participants are primarily single-parent families (96.6%) and at or below the federal poverty threshold (57.3%). (20 ILCS 505/5.15; Apr. 2006, 39 pp.)

#### *Emergency Food & Shelter Program annual report, FY 2004*

Using public and private shelters, the program provided 1.7 million nights of shelter, 2.7 million meals, and 679,236 units of supportive services to homeless persons in FY 2004. The total cost of contracts was \$9.0 million. The Supportive Housing Program funded 43 projects, operated by 32 providers to serve 4,759 households, for a total cost of \$3.4 million. Charts list demographics and geography of populations served; type of service provided; cause of homelessness; and list of providers. (305 ILCS 5/12-4.5; May 2005, 67 pp. + tables and graphs)

#### *Inspector General's combined reports on abuse and neglect in long-term facilities and domestic abuse of adults with disabilities, FY 2005*

The Inspector General received 2,191 allegations of abuse and neglect at facilities (937), agencies (723), and in domestic settings (531 including exploitation). Of these, 1,165 were physical, 528 neglect, 317 mental, 138 sexual, and 43 exploitation. Examples of 13 substantiated abuse and neglect cases are included. In FY 2005, facilities and agencies filed 261 (18%) self-reports late. Sixty-two employees

were reported to the Nurse Aid Registry: 57 for physical abuse and 5 for sexual abuse. Average time to complete an investigation was 48 days, compared to 85 in FY 2004. Inspector General closed 2,171 cases of which 1,850 were not substantiated. There were 309 substantiated cases: 221 abuse, 81 neglect, and 7 exploitation. There were 12 cases in which the victims refused to proceed. Lists entities receiving allegations, and includes case disposition and staffing levels by facility. (20 ILCS 2435/60 and 210 ILCS 30/6.7; Sept. 2005, 41 pp.)

#### *Report on TANF program by racial or ethnic group, biennial report, 2005*

Provides baseline data sorted by racial or ethnic group. As of December 2005, 99,418 persons (40,263 cases) were receiving TANF benefits. Of these, 450 persons (101 cases) had reached their 60-month lifetime limit on receiving assistance; 7,202 persons (2,440 cases) had left TANF due to earned income; and 4,185 persons (4,095 cases) were participating in post-secondary education activities. (305 ILCS 5/4-23; Dec. 2005, 20 pp.)

#### *Status of transition services for secondary students with disabilities in Illinois, annual report, 2004-2005*

The Interagency Coordinating Council assists state and local agencies to improve services for transition age youth. Numbers of disabled youth served were: State Board of Education, 101,063; Department of Human Services/Division of Rehabilitation Services, 19,470; Community College Board, 11,459; Department of Children and Family Services, 8,100; Board of Higher Education, 6,066; Department of Human Services/Division of Developmental Disabilities, 4,200; Department of Commerce and Economic Opportunity, 3,355; UIC Division of Specialized Care for Children, 2,100; and Department of

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Corrections, 1,079. Department of Employment Security served 10,901 people of all ages, placing 429 of those into employment. Department of Healthcare and Family Services served 1,050,000 children through Medicaid and KidCare Programs. Lists 5 areas where transition services must improve: transportation, competitive employment, employment supports, housing, and adult programs and services for people with severe disabilities. (20 ILCS 3970/5; Dec. 2005, 16 pp.)

*WIC food expenditure report, 2005*  
The Woman, Infants, and Children (WIC) Special Supplemental Nutrition Program's January through March quarterly obligations were \$47.5 million and quarterly expenditures were \$44.3 million. For April through June, obligations were \$51.2 million and expenditures were \$46.2 million. July through September obligations were \$51.8 million and expenditures were \$46.9 million. For October through December, obligations were \$52.0 million and expenditures were \$49.0 million. (20 ILCS 1305/10-25 (a); Mar. 2006, 1 p.)

#### **Insurance, Dept. of**

*Public pension report, FY 2001-2002*  
At the end of FY 2002, Illinois state and local pension funds had \$145.4 billion in total liabilities and \$99.4 billion in assets. The statewide funded rate was 68.4%. From FY 2001 to 2002, \$6.8 billion was paid to 331,945 beneficiaries. Among state-funded systems (State Employees, State Universities, Teachers' Retirement, Judges' Retirement, and General Assembly Retirement) funding rates ranged from 58.9% (State Universities) to 29.3% (General Assembly) in FY 2002. (40 ILCS 5/2A-108; undated, rec'd Aug. 2005, 165 pp.)

#### **Investment, State Board of**

*Report on emerging money managers, FY 2005*

ISBI allocated \$1.19 billion to three minority managers during FY 2005. Seven new emerging managers received a total of \$192.45 million. Three existing managers received an increase of \$32.5 million. ISBI increased the percentage of its portfolio assets managed by female and/or minority owned firms to over \$2.5 billion, or 23.3% of its total assets and an 85% increase from FY 2004. Minority broker/dealer commissions totaled 36% of all domestic equity commissions, up from 32% in FY 2004. (40 ILCS 5/1-109.1 (4); Aug. 2005, 3 pp.)

#### **Legislative Reference Bureau**

*Report of the Illinois Delegation to the National Conference of Commissioners on Uniform State Laws, 2004*

NCCUSL proposed six new uniform laws or modifications in 2004: (1) Uniform Residential Mortgage Satisfaction Act says a mortgage must provide a statement of satisfaction to be recorded with real property records and mortgagor is entitled to a payoff letter; (2) Uniform Real Property Electronic Recording Act says electronic documents and signatures are equal to paper documents for real estate transactions; state board should be formed to establish standards; (3) Uniform Wage Withholding and Unemployment Insurance Procedure Act will provide harmonized wage base in states for computing withholding for income tax and unemployment, and provide one set of reporting and payment requirements and dates; (4) Model Entity Transactions Act creates procedures to gain approval for cross-entity transactions without dissolving an entity or obligations owed by preceding entities; (5) Amendments to Uniform Trust Code allow optional provisions for notice to qualified beneficiaries and more specific procedures for termination or modification of irrevocable trust; and (6) Amendments

to Uniform Money Services Act make technical changes. In 2004, the following became law: Uniform Interstate Family Support Act 2001 amendments, P.A. 93-479; Uniform Limited Partnership Act (2001), P.A. 93-967. Table shows all states' passage of uniform, model, and similar acts. (25 ILCS 135/5.07; Dec. 2004, 22 pp.)

*Report of the Illinois Delegation to the National Conference of Commissioners on Uniform State Laws, 2005*

NCCUSL proposed five new uniform laws or modifications in 2005: (1) Uniform Assignment of Rents Act establishes a legal model for creating, perfecting, and enforcing security interest in rents; (2) amendments to the Uniform Foreign-Country Money Judgments Recognition Act make it more comprehensive and compatible with international trade conditions; (3) Uniform Debt-Management Services Act requires debt-management services to register with the state, regulates consumer interaction, and provides enforcement methods; (4) Uniform Certificate of Title Act creates uniformity in the vehicle registration laws; (5) Model Entity Transactions Act creates transaction procedures for business and nonprofit entities. Table shows all states' passage of uniform, model, and similar acts. (25 ILCS 135/5.07; Nov. 2005; 14 pp. + table)

*Review of court cases through 2004*

Major Illinois Supreme Court holdings: (1) Compensation Review Act provision prohibiting state judges from receiving a Cost of Living Adjustment (COLA) for FY 2003 and Governor's reduction veto of FY 2004 COLA violated (a) the Illinois Constitution's separation of powers clause by preventing Supreme Court from paying judicial salaries, and (b) the prohibition against decreasing a judge's salary during his term; (2) Illinois Constitution grants the Governor broad

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

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power to grant reprieves, pardons, and commutations, which cannot be regulated by the courts or by the General Assembly.

Major Illinois Appellate Court holdings: (1) Local Governmental and Governmental Employees Tort Immunity Act does not grant police officers blanket immunity from liability for injuries resulting from police pursuit. Court suggests that the General Assembly examine this issue to decide if blanket immunity is warranted; (2) Land acquisition for O'Hare airport runway expansion requires certificate of approval from IDOT. (Note: The Illinois Supreme Court ordered the Appellate Court to vacate its decision because the judgment was moot. P.A. 93-450, effective August 6, 2003, provides that no certificate of approval is required for the O'Hare modernization program except for the construction of a new runway at O'Hare with a geographical orientation that varies from an east-west orientation by more than 10 degrees, or for the construction of a new runway that would result in more than 8 runways.)

Federal District Court holding: The Employment of Strikebreakers Act, which prohibits an employer from hiring temporary employees during a strike, is pre-empted by federal law. (25 ILCS 135/5.05; Dec. 2004, 119 pp.)

*Review of court cases through 2005*  
Major Illinois Supreme Court holdings: (1) Property tax exemptions may not be more lenient than those required by the Illinois Constitution; (2) Hearing for rescission of suspension of driving privileges commenced within 30 days satisfies statute even if hearing is not completed within

that time; and (3) Preponderance of the evidence is appropriate standard of proof for determination of the best interests of the child for purposes of termination of parental rights. U.S. Supreme Court held that the taking of private land by a city for use in a development plan qualifies as public use for purpose of the takings clause under the U.S. Constitution, even when the land will not be used entirely for public use. (25 ILCS 135/5.05; Dec. 2005, 121 pp.)

### Lottery

*Annual report, FY 2004*

Sales were \$1.71 billion; transfers to the Common School Fund were \$570 million, 5.5%. Lottery operating expenses declined nearly 10%. Prizes awarded were \$973 million. Overviews games offered and lottery retailers; includes financial statements. (20 ILCS 1605/7.8; June 2005, 20 pp.)

### Metropolitan Pier and Exposition Authority

*Affirmative action plan, FY 2006*

Agency analyzed its equal employment opportunity program. As of June 30, 2005, it had 576 full-time employees, of whom 210 (36%) were female. In total, 224 (38%) of its employees were members of minority groups, including 150 (26%) African-American; 65 (11%) Hispanic; 7 Asian (1%) and 2 Native American (<1%). Of 76 full-time officials and managers, 32 (42%) were female and 19 (25%) were minorities, of whom 6 were (7%) African-American; 9 (11%) Hispanic; 4 (5%) Asian; and none Native American. Of 89 professionals, 53 (59%) were female and 35 (39%) minorities, of whom 25 (28%) were African-American; 9 (10%) Hispanic, 1 (1%) Asian, and none Native American. Of 91 full-time administrative and support staff, 74 (81%) were females and 55 (60%) were minorities, of whom 45 (49%) were African-American, 9 (9%) Hispanic, 1 (1%) Asian, and none

Native American. Of 179 full-time skilled craft workers, 10 (5%) were female and 53 (29%) were minorities, of whom 26 (14%) were African-American, 25 Hispanic (13%), none Asian, and 2 (1%) Native American. (70 ILCS 210/23.1; Oct. 2005, 108 pp. + appendices)

### Prisoner Review Board

*Annual report, 2004*

Board heard a total of 53,482 adult consideration requests in 2004. It granted 170 (88%) of 193 adult final discharge requests, 23 (10.6%) of 215 adult parole reviews, and 8 (1.9%) of 401 adult reconsideration reviews. Regarding adult good conduct credits, it revoked 2,175 (60.7%) of 3,579 adult cases and restored 1,327 (91.4%) of 1,451 adult cases. Of the 759 petitions for executive clemency, 1 was granted, 2 were denied, and 756 are still pending. Board heard a total of 4,343 juvenile review requests in 2004. In 1,327 juvenile parole revocation hearings, parole was revoked in 1,044 (78.6%). Good conduct credits were restored in 2 (100%) of 2 cases. Thirteen tables summarize activity. (730 ILCS 5/3-3-2(h); Dec. 2004, 15 pp.)

### Public Health, Dept. of

*Cervical Cancer Task Force Report, 2005*

The Cervical Cancer Elimination Task Force was created by P.A. 93-956 (2004). Director of Public Health appointed 12 members designated by law and 7 ex-officio members. The first meeting was in Dec. 2004 where members picked a chair and co-chair and reviewed all state programs with cervical cancer screening services. The task force looked at cervical cancer data, laws, and insurance issues at the second meeting in Feb. 2005. The third meeting was scheduled for May 2005. It is estimated that 200 deaths and 660 new cervical cancer cases

will be diagnosed in Illinois in 2005. (20 ILCS 2310/2310-353(f); undated, rec'd 2005, 10 pp.)

*Preliminary report regarding identified offenders in nursing homes, 2006*  
Department of Public Health was required to determine feasibility of segregating identified offenders within long-term care facilities. There are 42 parolees, 77 registered sex offenders, and 95 other known offenders residing in facilities. Regulations allow creation of special care units for certain ailments and single occupancy rooms within facilities; both options are feasible. The Department is still determining the feasibility of reintegration programs and separate identified offender facilities. (210 ILCS 45/3-202.4; Jan. 2006, 6 pp.)

*Report under Nursing Home Care Act and Abused and Neglected Long-Term Care Facility Residents Reporting Act, 2004*

Illinois had 1,302 nursing homes with 126,044 beds in 2004. Allegations of physical abuse by nursing aides decreased from 138 in 2003 to 116 in 2004; IDPH put findings of abuse, neglect or misappropriation of a resident's property into the listings of 250 aides. Total reports of abuse and neglect increased from 2,668 in 2003 to 2,858 in 2004. IDPH found 23% of allegations valid in 2004. (210 ILCS 45/3-804 and 30/6; Sept. 2005, 77 pp. + 14 appendices)

#### **Sports Facilities Authority**

*Annual report, 2005*

Authority completed several Phase V renovations at U.S. Cellular Field. Construction also began on the Scout Lounge and the TV Truck Dock, which are both within budget and are on schedule to be completed before opening in 2006. Authority has continued working on the second phase of the seat replacement project. Authority's primary revenue source is hotel

taxes. As of June 30, 2005, current assets totaled \$96.6 million, current liabilities \$22.5 million. Long-term assets totaled \$244.9 million, long-term liabilities \$517.7 million. (70 ILCS 3205/18; undated, rec'd March 2006, 20 pp.)

#### **State's Attorneys Appellate Prosecutor**

*Annual report, 2005*

Agency completed 1,537 appellate cases. The Local Drug Prosecution Unit helped in 4,322 criminal cases and 1,461 drug asset forfeiture cases. The Labor Unit represented 24 counties, the Tax Objection Division assisted with 33 cases in 14 counties, and the Special Prosecution Unit helped with 545 cases in 57 counties. The agency also presented four week-long trial advocacy courses, held specialized criminal justice seminars, and published the monthly case decision digest and the annual Illinois Uniform Complaint Book. (725 ILCS 210/4.06; Sept. 2005, 48 pp.)

#### **State Fire Marshal**

*Annual report, 2004*

Illinois fire-related deaths were 91, more than half of them children. There were 1,091 arson investigations with 223 canine assists, which led to 85 arrests. The Office conducted 44,458 boiler and pressure vessel inspections; 17,682 fire safety inspections; and issued 3,398 self-service station permits to gasoline stations. The Office administered 11,362 examinations and issued approximately 9,916 firefighter certificates. (50 ILCS 740/13; June 2005, 25 pp.)

#### **State Police, Dept. of**

*Court decisions on FOID cards, 2005*

The Department of State Police (DSP) reported five court decisions in 2004 on its denials of Firearm Owner's Identification Cards: (1) trial overruled DSP's denial of a card based on

a 1982 felony conviction (reason not given in report); (2) trial court gave discretionary relief from the ban on granting a card to a person convicted of armed robbery; (3) underlying domestic violence charge was dropped, resulting in card's reinstatement; (4) Appellate Court upheld DSP denial based on an unspecified incident, but DSP issued card after 6 years had passed; and (5) after legal proceedings, court and DSP agreed that one applicant's card could state that federal law bars him from buying firearms or ammunition that have crossed state lines. DSP opposed court decisions or petitions by card applicants in 12 cases still pending. (430 ILCS 65/11; Mar. 2005, 4 pp.)

#### **State Universities Retirement System**

*Minority- or female-owned investment managers, 2005*

As of June 30, 2005, 17 of SURS' 34 investment managers were owned by minorities, women, and/or persons with disabilities. SURS' actively managed program totals \$13.4 billion, of which \$1.4 billion (10.5%) is managed by emerging investment managers. Explains SURS' method of selecting investment managers and includes affirmative action reports of emerging businesses and others providing investment services to SURS. (40 ILCS 5/1-109.1; Aug. 2005, 11 pp. + appendices)

#### **Transportation, Dept. of**

*Annual report, FY 2005*

Shows rental of right of way until needed for highway construction. Details by county include number of rented parcels, number of parcels with buildings or improvements, and total rent collected. Statewide there were 321 rented parcels, 28 parcels with improvements, and \$1.1 million in rent collected. (605 ILCS 5/4-201.16; Aug. 2005, 3 pp.)

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## 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.

Information on all 2006 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.

H.B.	P.A.	H.B.	P.A.	H.B.	P.A.	S.B.	P.A.	S.B.	P.A.
	94-		94-		94-		94-		94-
542	724	4306	910	4782	845	14	774	998	1066
708	739	4315	749	4785	752	17	1021	1001	797
1299	998	4357	1026	4789	794	49	1057	1086	763
1463	916	4375	911	4822	803	176	835	1089	1009
1620	849	4383	923	4835	795	230	836	1144	772
1918	804	4406	968	4853	879	509	808	1279	1067
2067*	<b>vetoed</b>	4419	735	4999	885	585	1058	1445	1000
2946	818	4438	969	5243	796	623	829	1497	1054
3126	757	4446	946	5245	832	624	1035	1520	798
3650	734	4449	947	5249	925	626	1042	1681	727
4121	755	4451	1044	5259	920	627	816	1682	976
4125	906	4462	758	5260	972	630	1059	1705	977
4147	995	4649	878	5284	741	680	1031	1827	1062
4172	854	4657	759	5288	761	848	1036	1977	839
4179	944	4676	1064	5300	762	859	991	2030	817
4193	945	4688	863	5336	730	860	1039	2137	896
4222	988	4703	802	5348	828	916	916	2162	928
4238	819	4711	820	5375	888	918	737	2170	1063
4297	827	4715	1038	5377 <sup>†</sup>	<b>vetoed</b>	927	1040	2191	929
4298	989	4717	740	5407	1024	929	1041	2197	1011
4300	800	4719	999	5555	950	931	1020	2204	1012
4302	909	4768	897	5578	732	946	1047	2225	1056

\* Regarding juvenile sex offenders, see page 10.

† Regarding mobile home parks, see page 7.

S.B.	P.A. 94-								
2230	930	2360	996	2579	773	2865	771	2985	1018
2233	784	2368	997	2617	872	2869	1004	3010	853
2235	979	2391	830	2630	937	2872	750	3016	994
2254	812	2400	917	2650	814	2873	992	3018	1053
2272	980	2454	1015	2680	984	2878	848	3046	1007
2283	892	2455	933	2695	767	2882	894	3076	987
2302	775	2456	1001	2728	769	2885	966	3086	1055
2310	799	2465	770	2738	939	2898	792		
2312	905	2483	788	2739	940	2913	941		
2326	931	2491	934	2763	851	2915	831		
2328	1043	2505	745	2778	957	2962	993		
2336	981	2554	1008	2795	1019	2967	962		
2339	1025	2562	746	2810	919	2968	826		
2349	822	2578	936	2829	875	2971	985		

### Types of Actions Governor Can Take on Bills

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

#### Total Veto

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

#### Amendatory Veto

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

#### Item and Reduction Vetoes

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

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

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### *Diesel emissions annual report, FY 2005*

Department of Transportation diesel emission testing program operates in 9 counties and 3 townships with 54 public testing stations and 43 private. Department tested 9,069 vehicles, passing 8,404 and failing 199. Twenty-nine vehicles failed inspection more

than once. (625 ILCS 5/13-102.1; July 2005, 1 p.)

### *Proposed improvements for Illinois highways, FY 2006*

IDOT will spend \$1.725 billion for construction and other highway work, including 298 miles of resurfacing, 259 miles of local projects, 41 miles of Interstate work, 23 miles of major construction, 3 miles of safety or traffic improvements, and 82 bridge improvements. Financing will be \$935 million federal, \$724 million state, and \$66 million local. Spending is \$447 million for local streets and highways, and \$1.278 billion for state highways. Gives details on projects by highway district using maps. (20 ILCS 2705/49.16; undated, 5 pp. + tables, maps, and 1 appendix)

### **Workers' Compensation Commission**

#### *Annual report, FY 2004*

Number of arbitrators on staff increased by 27%. Arbitrators issued 50% more decisions in FY 2004 than in FY 2001. The Commission closed 66,375 cases in FY 2004, down 5.7% from FY 2003. It brought 34 employers into compliance with insurance law and collected \$108,000 in fines. Illinois' 2001 workers' compensation injury rate was 45% lower than 1991. Workers' compensation benefit payments totaled \$2.2 billion in 2002, up 4% from 2001. Illinois is ranked seventh in the nation in wages paid, and twenty-third in workers' compensation premium rates. (820 ILCS 305/15; June 2005, 30 pp.)

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## FIRST READING

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