

Major bills passed by the Illinois General Assembly

This issue of *First Reading* summarizes major bills as they passed both houses of the General Assembly, and reports the Governor's actions on each of them. During the 2001 regular session which adjourned on May 31, a total of 540 bills passed both houses. The Governor has approved 494, vetoed 28, and amendatorily vetoed 18. (Public Act numbers are on page 13 of this issue.) Information on all bills of the session is available on the World Wide Web at:

www.legis.state.il.us/legisnet/legisnet92/92gatoc.html



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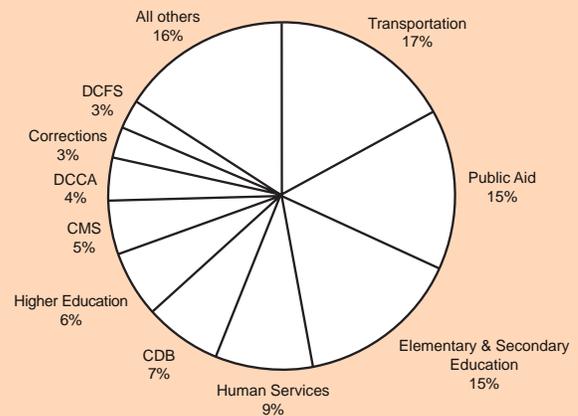


Representative
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Appropriations & State Budget

The state budget for fiscal year 2002 is nearly \$53.37 billion—9.57% over last year’s \$48.71 billion. General Revenue Fund appropriations rose about 3.0%, from \$22.7 billion to \$23.4 billion. But appropriations from other state funds and from federal funds rose 25.6%, from \$14.2 billion to \$17.8 billion.

The largest increases by dollar amount go to the Department of Transportation (\$1.6 billion, 22.3%); Capital Development Board (\$935.4 million, 32.1%); Department of Commerce and Community Affairs (\$428.1 million, 22.6%); Environmental Protection Agency (\$295.2 million, 28.8%); and Department of Public Aid (\$282.2 million, 3.7%).

Fiscal year 2002 is the third year of the Governor’s 5-year, \$12 billion “Illinois First” program to rebuild infrastructure. The three agencies getting the biggest dollar increases reflect both new appropriations and reappropriations to that program. The increases to the EPA include funds for a Water Pollution Control Revolving Loan program to help local governments build, repair, and upgrade wastewater facilities.

A highlight of the new budget is \$3.5 billion in tax incentives and financial aid to promote clean-coal power plants. The Illinois Development Finance Authority can issue up to \$3 billion of revenue bonds for new plants; coal scrubbers at existing plants; and high-voltage power lines. Also included is a \$500 million general obligation bond increase for Department of Commerce and Community Affairs coal and energy development programs.

Other increases in general obligation bonds will be used for capital facilities (\$547 million); anti-pollution (\$19 million); and transportation (\$1.1 billion) programs. Total general obligation bond authorization rises by \$1.1 billion (7.5%), from \$14.2 billion to \$15.3 billion.

Build Illinois bond authorization rises \$688.7 million (24.2%), from \$2.85 billion to over \$3.5 billion. Build Illinois bond increases will be used for public infrastructure and transportation (\$370 million); educational programs and facilities (\$292 million); economic development (\$25 million); and environment protection (\$1.5 million).

Elementary and secondary education gets an added \$337.8 million (4.4%) from all funds. This includes appropriations to raise the statewide minimum spending level from \$4,425 to \$4,560 per student. Local education got a slightly smaller share of the total state budget than last year—15.0% versus 15.7% (see Figure 1 on next page). But its share of General Revenue Fund spending rose slightly, from 26.0% to 26.5%. Total fiscal year 2002 appropriations for local public education are \$7.997 billion.

Funding for state colleges and universities rose \$238.2 million (7.9%)—from \$3.003 billion to \$3.241 billion—but the percentage of the state

budget going to higher education declined slightly from 6.2% to 6.1% (see Figure 1).

Funding for the three largest social service departments rose only modestly: Human Services, 4.5%; Public Aid, 3.9%; and Children and Family Services, 0.45%. The highlight of the Department of Human Services budget is a \$1 hourly increase for direct-care workers for the developmentally disabled, retroactive to March 1. Most of the increase for Public Aid is to close a \$270 million gap in the state’s medicaid budget and pay medical providers within 30 days.

The General Assembly appropriated \$337.7 million from the Tobacco Settlement Recovery Fund for fiscal year 2002, mainly for these purposes: \$107 million to expand the “circuit breaker” program; \$35 million to fund the second year of the state Earned Income Tax Credit; \$51 million for tobacco prevention and control; \$25 million for medical research and treatment; \$91 million for the Governor’s Technology Initiative; and \$28 million for various capital projects.

The remaining tobacco settlement money goes to the Budget Stabilization (“rainy day”) Fund created in fiscal year 2001. It should receive at least \$200 million this fiscal year.

Total appropriations for fiscal 2002 exceeded the Governor’s budget recommendations by \$3.4 billion. New appropriations in the fiscal year 2002 budget are \$44 billion. The other \$9 billion consists of reappropriations. (Actual money available on July 1, 2001 to spend as reappropriations was slightly less than \$9 billion, because some funds that were expected to be reappropriated were spent between the time of the budget requests and June 30.)

The fiscal year 2002 budget is in the following acts:

Public Act 92-8, enacted by **H.B. 3440** (M.Madigan-Daniels-Hannig-Ryder-Holbrook et al.—Rauschenberger-Trotter).

Public Act 92-9, enacted by **H.B. 3489** (M.Madigan-Daniels-Hannig-Ryder-M.Davis—Weaver).

Public Act 92-10, enacted by **H.B. 3491** (M.Madigan-Daniels-Hannig-Ryder-M.Davis—Rauschenberger).

Public Act 92-11, enacted by **H.B. 3493** (M.Madigan-Daniels-Hannig-Ryder-M.Davis—Rauschenberger).

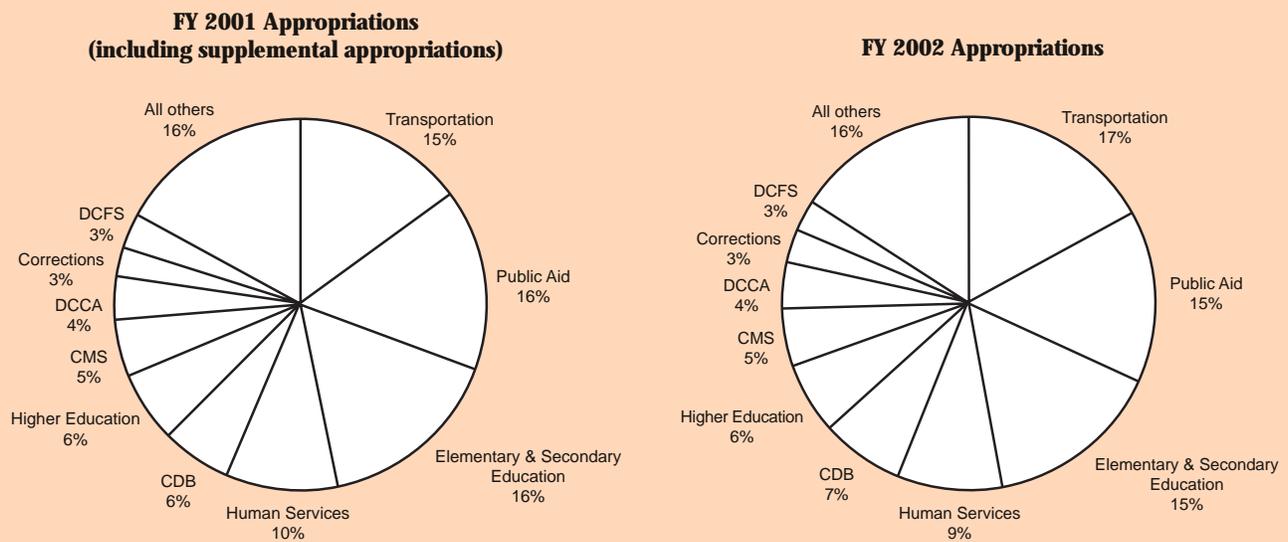
Public Act 92-13, enacted by **H.B. 2125** (Daniels-M.Madigan-Ryder-Hannig-Rutherford—Weaver). □

Nicole Babcock
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Appropriations From All Funds (billions)

	FY 2001	FY 2002	% of total
Transportation	\$7.3	\$9.0	16.8%
Public Aid	7.7	8.0	15.0
Elementary & Secondary Education	7.7	8.0	15.0
Human Services	4.8	5.0	9.4
CDB	2.9	3.9	7.2
Higher Education	3.0	3.2	6.1
CMS	2.3	2.6	4.9
DCCA	1.9	2.3	4.4
Corrections	1.3	1.4	2.7
DCFS	1.4	1.4	2.7
All others	8.3	8.5	15.9
Total appropriations	\$48.7	\$53.4	100.0%

Figure 1: Allocation of Appropriations to All Funds



Business & Economic Development



The General Assembly voted to revise regulation of telecommunications; create a do-not-call list for telemarketers; authorize state grants to promote Illinois coal mining and use, and loans for energy efficiency in large buildings; offer incentives for Boeing's corporate relocation to Illinois; require licensing of mobile home makers and installers; regulate sweepstakes, sales in languages other than English, and pre-need burial contracts; require businesses to repay state incentives if they do not meet conditions; and provide agency Internet sites to help small businesses.

AgriFIRST. Under this new program, the Department of Agriculture will make grants to current or potential processors of agricultural products. Recipients must participate in funding. The Department can study domestic

and international market conditions (S.B. 994, Noland-L.Walsh-Woolard-Sieben et al.—Poe-Klingler-J.Jones-Reitz-Fowler).

Banks. Protection. A bank's directors, board, and committees may rely in good faith on information and advice from employees, bank committees, and outside consultants. No entity may use the name of another bank in marketing or soliciting without consent and in a way apt to mislead about the source of the message (H.B.

1030, Persico-Bugielski-Hassert-Novak-Osmond—O'Malley).

Regulation. Several details are changed in the regulation of banks, savings and loan associations, savings banks, credit unions, and corporate fiduciaries. Among them: interest rates charged by savings and loan associations and savings banks are deregulated, and a bank can open a travel agency as part of its business (H.B. 2538, Meyer-Bugielski-Biggins-O'Connor-Parke—O'Malley).

Burial Contracts. Every pre-need contract for funeral services must be based on a contract with a provider of funeral services. Pre-need burial contracts will no longer be filed with the Comptroller, but the Comptroller will receive detailed information on major shareholders of firms selling such contracts before licensing them. A buyer of such a business must honor all contracts and make up any shortage in trust funds. Local governments or the

Comptroller can act to clean abandoned cemeteries (H.B. 2283, Morrow-Moffitt-Hoffman-Klingler-M.Davis et al.—Sullivan-Bowles-Hawkinson-Weaver-Shadid).

Coal. Development. The Department of Commerce and Community Affairs (DCCA) can make grants to companies opening or reopening coal mines; building large new baseload electric generating plants to use coal, or gases derived from it; or building electric transmission lines. To fund the grants, a new Energy Infrastructure Fund will receive bond proceeds, along with the state's 5% share of the 6.25% sales tax on Illinois coal going to such businesses (for 25 years). Such companies will also be eligible for tax credits, exemptions, and abatements. The Illinois Development Finance Authority (IDFA) can sell up to \$3 billion in bonds to fund clean-coal projects. Regulations under which Illinois is to join an interstate trading system for oxides of nitrogen (NO_x) will take effect in 2004 (H.B. 1599, Daniels-M.Madigan-Bost-Granberg-J.Jones et al.—Luechtefeld-Woolard-Mahar-Watson-O'Daniel).

Mining rights. Legal procedures are created for an owner of a 50% or greater interest in deep-vein coal to have it mined, with safeguards for other owners (S.B. 104, Luechtefeld-O'Daniel-Woolard—Reitz-J.Jones-Fowler-Bost-Granberg).

Corporate Relocation. Any firm headquartered in another state, with worldwide revenues of at least \$25 billion in the year before application, can apply to DCCA by July 2004 for reimbursement of up to 50% of costs to move its headquarters here. Reimbursement will come from a fund getting 50% of income tax receipts from employees in its new headquarters.

The firm will be eligible for Economic Development for a Growing Economy Tax Credit incentives for up to 15 years (usually 10). Local taxing districts can abate property taxes on the firm for up to 20 years (in the case of a school district, only if the municipality reimburses it for the abatement) (S.B. 1285, Philip-Dillard—M.Madigan-Daniels-B.F.Currie).

Energy Efficiency. IDFA and DCCA can make loans from a new fund to improve energy efficiency in governmental, commercial, and larger multi-family buildings. Loans cannot exceed 8 years or 2% interest. IDFA can use bond sales and appropriations for the program (S.B. 606, Rauschenberger-Sullivan-Sieben-Ronen et al.—Novak-Franks-Holbrook-Scully-Erwin), **vetoed**.

Excavation. Effective July 2002, the maximum penalty for not using the statewide one-call notice system before excavating will rise from \$200 to \$5,000 and can be imposed whether or not damage results. The maximum penalty for other violations of the underground utilities act rises from \$100 to \$2,500—also regardless of damage. The exemption from fines for residential owners digging at home is deleted. A \$2,500 penalty is added for making an emergency request not in an emergency. All owners of pipes, conduits, etc. (except in Chicago) must join the statewide one-call system by 2003. Home-rule units must comply with the act; the Illinois Commerce Commission (ICC) will enforce it (H.B. 2138, Hassert—L.Walsh-Mahar-Woolard).

Food. Falsely labeling or representing food or animals as halal (prepared in strict compliance with Islamic requirements) is prohibited as a Class B misdemeanor (S.B. 750, Radogno-

L.Walsh-Obama-Viverito-Silverstein et al.—Dart-E.Lyons-Klingler-Zickus).

Foreign-Language Sales. Forms are prescribed for disclosing the interpreter and other details if a retail transaction, or negotiations for it, occurs in a language other than English—replacing a requirement that consumers get blank copies of the agreements written in their own language (H.B. 1970, Moore-Acevedo-Mendoza-O’Connor et al.—Peterson-Geo-Karis-Munoz).

Health Plans. *HMO offering POS plan.* A well-capitalized health maintenance organization can offer a point-of-service plan, which pays for out-of-plan services but gives incentives to use in-plan services (H.B. 1040, Brunsvold-Klingler-Parke-McGuire—Jacobs-R.Madigan).

Insurance cutoff. If an employer fails to pay workers’ health insurance plan, and that failure will (changed from “may”) cause loss of all coverage, it must notify employees in writing directly—not merely by posting (S.B. 1019, del Valle—Soto-Miller-Young-Yarbrough-Boland).

Incentive Recoupment. State tax breaks, grants, or loans to a firm through DCCA are to be based on written agreements with the firm, including commitments by it to invest or provide jobs. If a firm does not keep such a commitment, it is to repay the value of the assistance in some situations (S.B. 603, Lauzen-Welch-Obama—Franks-Delgado), **vetoed**.

Insurance. *Guaranty fund.* In 2002 the maximum assessment on insurers for the state insurer guaranty fund rises from 1% to 2% of premiums,

and obligations for which the fund can be held liable are limited (S.B. 941, R.Madigan—J.Turner).

Reinsurance securitization. “Special purpose reinsurance vehicles” are authorized in Illinois. They will solicit funds from investors; use them to support reinsurance; and repay the funds with interest or dividends unless a re-insured insurer has excess losses (S.B. 864, T.Walsh—Osmond-Beaubien-Brady-Mautino-Brunsvold).

Job Training. DCCA is to establish a High Technology School-to-Work Program to encourage local partnerships among employers and high schools or postsecondary schools to train students for technology careers. DCCA grants can pay startup costs (S.B. 845, T.Walsh et al.—O’Connor-May-Rutherford-Bassi-Yarbrough).

Liquor Importers must register with the state Liquor Control Commission each brand they want to sell to Illinois licensees, and comply with a section on registering licensees that are authorized to sell a brand at wholesale (H.B. 1001, Schmitz-Lang—T.Walsh).

Mobile Homes. Except in Chicago, the Illinois Department of Public Health (IDPH) will license mobile home makers and installers; investigate complaints; and seek nonbinding resolution of disputes. It can suspend a license up to 6 months for a violation, and ask the Attorney General to seek injunctions against unlicensed activity (H.B. 681, Novak-Forby-Fowler et al.—Dudycz).

Pet Cremation. Providers of cremation for deceased pets must describe their services in writing; and if they return remains, certify that services were properly performed. They may

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Business & Economic Development

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not use the word “private” or “individual” to describe the simultaneous cremation of multiple animals (H.B. 1825, Hassert-McCarthy-Boland-Zickus-Fritchey et al.—Burzynski-Dillard-Link).

Securities and Business Sellers.

Changes are made in details of regulation of securities dealers, loan brokers, business brokers, and sellers of business opportunities. Violations of several of the Securities Law’s provisions become Class 4 felonies even if the violator did not know of their existence and meaning. Loan brokers, business brokers, and sellers of business opportunities in Illinois automatically appoint the Secretary of State as agent for service of process (S.B. 575, Welch-O’Malley—J.Lyons).

Small Business. *Set-asides.* A construction firm with annual revenues up to \$10 million (was \$3 million) can apply for set-aside contracts (S.B. 269, Halvorson—Kosel-Lang-Miller-Schoenberg).

Web pages. Each agency in the executive branch except the Governor is to have a small business advisory Web page. It will post an explanation in plain English of any proposed regulation, or new law, that may affect businesses with under \$4 million of gross annual revenue or up to 50 employees. DCCA is to act as a clearinghouse by linking those pages and seeking public comments (S.B. 1522, O’Malley—Mathias-Soto-A.Turner-Yarbrough-McKeon), **vetoed**.

Sweepstakes. Under a new act, sponsors of sweepstakes and contests may not require payment to enter, or to

claim or learn about a prize. Prize offers must list their retail value; odds of winning; any additional costs such as shipping; any eligibility restrictions or limitations; and the number of purported “finalists” or the like. Exemptions cover federally regulated book, periodical, and music clubs; contractual plans for regular sales; catalog sales; the State Lottery; membership camping contracts; and time shares. An injured consumer can get attorney’s fees and the greater of \$500 or double losses incurred (S.B. 797, Lauzen-Geo-Karis-L.Madigan et al.—B.F.Currie-Lindner-McKeon).

Swine Development. The Illinois Pork Producers Association can begin an Illinois Swine Market Development Program. A pork producers’ referendum will (a) ask whether there should be a marketing program funded by assessments and (b) elect a council to run the program if it passes. Any producer’s assessment will be refunded upon request (S.B. 405, Sieben-O’Daniel-L.Walsh-Noland-J.Myers et al.—Hartke-Poe-J.Jones).

Telecommunications Revision. Rates for retail telecommunications services to business users will be largely deregulated during 2001-2005. The Illinois Commerce Commission (ICC) will decide which services are non-competitive and thus need regulation based on criteria added by this law. New requirements are imposed on existing carriers to allow competitors to use their facilities; Bell companies barred from offering long-distance service are no longer exempted. Failure to comply with an ICC order, or repeated failure to interconnect, can bring a penalty up to the greater of \$30,000 or 1/121 of 1% of a carrier’s gross annual revenue from Illinois in-state operations, plus attorneys’ fees.

The Attorney General can investigate the service provided by a telecommunications carrier. Every incumbent carrier with at least one monopoly service must offer more than 200 kilobit-per-second service to at least 80% of customers by 2005 unless the ICC exempts it due to impracticality. Carriers must offer optional packages of local service at fixed rates. Time limits are added for providing local lines and services. Requirements for customer approval before changing carriers are strengthened.

With funds voluntarily contributed by phone users, DCCA can make grants to public libraries, park districts, and hospitals to eliminate the “digital divide” by offering computer access to the public. With grants and other gifts, the ICC can help pay for high-capacity data transmission facilities in areas where local carriers have difficulty doing so. Sunset of the telecommunications article of the Public Utilities Act is extended to July 2005 (H.B. 2900, Hamos-Cross-May-Persico-Moore et al.—Sullivan-Mahar).

Telemarketing Restrictions. The ICC is to set up a Restricted Call Registry of residential subscribers not wanting telephone solicitations, and provide it to telemarketers for a fee. Each listing will be free, last 5 years, and be renewable. Starting July 1, 2002, telephone solicitors may not call a residential subscriber whose name or number has been on the Registry at least 45 days. Exceptions apply to calls (1) to customers and others with whom callers already have business relationships, or with called persons’ prior consent; (2) by many nonprofit groups; (3) by persons licensed by the state for occupations or professions, to set up appointments or to sell goods or services; and (4) until

July 2005, by telecommunications carriers licensed by the FCC or ICC. The ICC can impose a fine up to \$2,500 per willful violation (**H.B. 176**, Hoffman-Black-Reitz-Fowler-Johnson et al.—Sieben-Obama-Halvorson-Ronen-L.Madigan, **vetoed**).

Tourism Grants. More detailed conditions are listed for eligibility to receive DCCA grants for local tourism promotion, and minor changes are made in the allocation of international tourism grants (**S.B. 926**, Dudycz-Sieben—Erwin-Holbrook-J.Jones-May-Bassi).

Unclaimed Property. Currency exchanges must report and pay to the state all unclaimed property (such as money orders) shown in an annual state examination (**H.B. 2282**, Hannig-Burke—T.Walsh).

Workers' Compensation. An employer failing to be covered will be assessed a penalty of at least \$10,000—which can be charged against officers and directors individually if the employer does not pay it (**S.B. 868**, Radogno—Parke-Delgado-Soto-A.Turner). □

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Civil Law



Legislators passed bills to strengthen child support enforcement; ease adoption of hard-to-place or abused children; limit use of credit reports and ban racial discrimination in most personal insurance policies; allow civil penalties for insurance fraud; require disclosure of all persons having interests in land being acquired for an airport or prison; and eliminate the need for a person to file multiple state or local economic interests statements.

Adoption Promotion. A parent's consent to adoption of a child is only voidable (now void) if the child is not adopted within 1 year after that consent. An abused, neglected, or dependent minor can be surrendered for adoption to foster parents who have had the child for at least 6 months (now 1 year) (**S.B. 840**, Geo-Karis—Klingler).

Child Support. Enforcement. Petitions to modify or stop child support, custody, or visitation cannot delay proceedings to enforce child support (**H.B. 2301**, Bellock-E.Lyons-May—Dillard).

Information registry. Existing requirements for parties in child-support cases to give the court information on themselves are made more detailed. If a party uses the Department of Public Aid's support enforcement services, the information must be filed

with it rather than the court. All information will go to the Department's State Case Registry (**H.B. 3128**, Black-Mathias—Donahue).

Corporation Law. Many changes, mostly of terminology, are made to corporate and partnership laws. Significant changes include reducing board vote requirements to indemnify corporate staff against suits (**S.B. 725**, Clayborne-Obama—Dart).

Ethics Statements. A person holding more than one state position, or more than one local position, for which statements of economic interests must be filed can file one statement for all state or all local positions (**H.B. 289**, Johnson-Cross-Mathias-Bellock—Karpel).

Freedom of Information Act.

Amounts for which a public body agreed to settle suits are to be disclosable under the Act (**H.B. 3078**, Righter—Rauschenberger, **vetoed**).

Insurance. Credit reports. An insurer cannot use information from a credit reporting agency as the only basis to refuse an automobile, residential, or

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Civil Law *(continued from p. 7)*

other personal policy—except a policy of credit insurance, or for surety or other casualty risks. A credit report used as one basis for an underwriting decision cannot include the applicant’s income, race, gender, religion, or national origin (H.B. 2419, Osmond-Yarbrough-Mautino-Mathias-Kenner et al.—R.Madigan-Noland-L.Walsh-Obama-Hendon).

Discrimination. An existing prohibition on discrimination due to race, religion, or national origin among similar classes of risks in fire and marine insurance is expanded to life, accident, health, and casualty insurance (S.B. 869, Radogno-Lightford-Molaro-L.Walsh et al.—E.Lyons-Lang-Osmond-Flowers-Parke).

Fraud. A civil penalty is authorized for offering payment “to induce any person to procure clients or patients to obtain services” to be reimbursed by insurance (with some exclusions). Whistleblowers can sue suspected violators, and share recoveries with the state (S.B. 879, O’Malley—Winters).

Land Ownership. Disclosure. At the time that the state or a local government makes an agreement to use or acquire land for an airport or prison, all individuals directly or indirectly owning interests in the land (except shareholders in a publicly traded company) must be disclosed in writing, under oath, to that government (H.B. 3024, Granberg-Dart-Hoffman-Morrow-Meyer et al.—Rauschenberger-L.Walsh).

Lawsuits. A February 2001 law allowing the Attorney General to pay up to \$100,000 to help landowners defend federal land patents against suits is extended to allow \$100,000 more in FY 2002, subject to minor restrictions (H.B. 1623, Black-Berns-Richter-Winkel-B.Mitchell et al.—J.Myers-Weaver-O’Daniel-Noland).

“News Media” Definition. That term is expanded to include electronically issued periodicals, and television networks, in several laws on releasing arrest or other information to the “news media” (H.B. 1029, B.F.Currie—Laufen). □

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Criminal Law

The General Assembly voted to raise penalties and require breath interlocks for repeat DUI offenders; and to raise penalties for drug or explosives crimes if bodily harm or death results, false application or use of purported firearm owners’ cards, crimes aiding gangs, and attacking a person in or going to or from a domestic violence shelter. Other bills will allow dropoff of unwanted infants, and punish parents who leave children alone in cars; require the firing of Department of Corrections and State Police employees who test positive for illegal drugs; expand the list of crimes whose perpetrators must give blood for state DNA records; eliminate intoxication (if voluntary) as a defense to prosecution; and offer more protection of domestic animals from cruelty and overcrowding.

Animal Cruelty. Veterinarians treating animals that have suffered aggravated cruelty or torture, or have been used for fighting, must report to the Department of Agriculture. Penalties are increased for animal cruelty and torture. Courts may order a violator to get psychiatric evaluation and treatment; this is mandatory if the person keeps a large number of animals and cannot care for them. Conviction will cause forfeiture of the animals to an animal facility, which may euthanize or allow adoption. If mistreated animals are seized, a court can require the owner to post security for their care. Animals, equipment, and vehicles used for animal fighting must be forfeited. Part of the fines for animal cruelty and torture will go to a new Illinois Animal Abuse Fund for

use to investigate abuse and neglect. Prohibitions on teasing police dogs are extended to service and rescue dogs (S.B. 629, Bomke-Cullerton et al.—Dart-J.Lyons-McKeon-Mathias).

Arson. Aggravated arson is expanded to include burning a motor vehicle, trailer, watercraft, or railroad car—if anyone is present or hurt (H.B. 2295, Bellock-M.Davis—Roskam).

Battery at a Shelter. Battering a person who is in, or within 500 feet of and going to or from, a domestic violence shelter becomes aggravated battery (S.B. 175, L.Madigan Hawkinson-Munoz-Geo-Karis-Obama et al.—O’Brien-Franks-Brosnahan-Mathias-May), **amendatorily vetoed**.

Car Key Duplication. Licensed vehicle dealers are prohibited from issuing newly made keys to a vehicle (except at sale or repossession) without keeping a copy of the recipient’s driver’s license or state ID card (S.B. 115, Radogno—E.Lyons-Zickus).

Child Porn in Computer. A person convicted of child pornography or exploitation, or keeping a place of juvenile prostitution, must forfeit any computer containing child pornography (H.B. 229, Schmitz-Mathias-Lindner-J.Jones-Saviano et al.—Parker).

Children. Dropoff. A parent may leave a baby up to 3 days old, and not abused, at a hospital, emergency medical center, or fire station having a full-time paramedic. This action will create a presumption of giving up parental rights, but the parent can later petition to get the child back. The parent can, but need not, give her name and/or medical history. DCFS must search its Putative Father Registry for the father of such a baby. The baby will later be



put up for adoption. These provisions expire in 2007 (H.B. 632, Coulson-Scott-Moore-Black-Wait et al.—Karpel-Parker-Trotter-Geo-Karis; S.B. 216, Karpel-Trotter-Parker-Geo-Karis-Klemm et al.—Coulson-Wait-Pankau-Brosnahan-Mulligan).

Endangerment is expanded to include leaving a child up to age 6 unattended in a motor vehicle, with a rebuttable presumption that the crime is committed if this lasts over 10 minutes. “Unattended” means either not accompanied by, or not in sight of, a person who is at least 14 (S.B. 28, Cullerton—Brosnahan-Osterman-Young-McCarthy-Brady), **amendatorily vetoed**.

Crime Victim Compensation. The time limit for filing a claim under the Crime Victims Compensation Act is doubled to 2 years. An emergency award up to \$2,000 can go to a victim who seems eligible and will suffer undue hardship. A vendor or other person trying to collect a debt from a crime victim that has been approved for payment under the Act, but is blocked because the vendor owes money to the state, will commit a Class A misdemeanor (H.B. 1814, Wait-Klingler-Mulligan-Parke—Dillard-Obama).

Stalking and aggravated stalking become compensable crimes. Eligibility

of persons who witness violent crimes is expanded from minors witnessing such crimes against relatives, to anyone witnessing such a crime against anyone. Costs of crime-scene cleanup, transportation of a victim’s body, damaged locks or windows, and temporary lodging after a crime become compensable. Persons unrelated to a victim can be compensated to the extent they paid medical and/or funeral costs (H.B. 2865, Brady-B.Currie-Klingler et al.—Parker-Obama).

Cyberstalking is prohibited as a Class 4 felony (Class 3 if a repeat offense). It consists of harassing another person at least twice by electronic communication, and either threatening harm or causing reasonable fear (S.B. 233, Silverstein et al.—Schoenberg-Franks-Osterman-May).

DNA Sample Registry. The list of crimes for which a person can be required to have blood taken for genetic identification is expanded to include several “aggravated” crimes; stalking; residential burglary; and causing a catastrophe. For each crime already on the list, the requirement will apply to anyone convicted of the crime after June 29, 2001 (H.B. 452, E.Lyons-Bellock—Radogno).

Dogs. Dangerous. Dogs found to be “dangerous dogs” must be muzzled and leashed when in public places; those declared “vicious dogs” and impounded must be sterilized. Penalties are imposed or raised for letting a “dangerous dog” or dog subject to enclosure get loose, allowing an unprovoked attack with serious injury (S.B. 653, Lauzen—Jefferson-McKeon-Bradley-M.Davis-Flowers), **amendatorily vetoed**.

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Criminal Law

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Fights. Training and selling dogs for fights, and promoting or conducting such fights, become new Class 4 felonies and can bring fines up to \$50,000. Providing a site for a dog fight becomes a Class 4 felony. Owning a dog for fighting, and promoting a dog fight become Class 3 felonies if the fight is in the presence of a minor; for illegal wagering; or to further gang activity. Attending dog fights becomes a new Class C misdemeanor. Higher penalties apply to repeat offenses (H.B. 2440, O'Connor-J.Lyons-Zickus-Mendoza-McAuliffe et al.—Radogno-Bowles).

Search-dog interference. Teasing, hitting, or otherwise interfering with search and rescue dogs is prohibited (H.B. 196, Franks-May-Holbrook-Erwin—Klemm), **amendatorily vetoed**.

Driving Offenses (DUI). First offense. A limit on the prison sentence for a first DUI offense of 3 years is eliminated, and offenders causing serious or permanent bodily harm can be sentenced to up to 12 years (H.B. 2290, Hultgren-Bellock-Osmond-Mathias et al.—Dillard).

Repeat penalties. An interlock to test the driver's breath must be put on any vehicle owned by a person convicted of DUI at least twice. A driver receiving a second automatic license revocation for DUI cannot get a restricted driving permit for at least 1 year; a person receiving an automatic license suspension as a repeat DUI offender must wait 1 year (3 years if the driver refused testing) for license restoration. A driver under 21 with a repeat automatic suspension for driving with any blood alcohol can get a restricted driving permit only after 12



(now 3 or 6) months. Criminal penalties for repeat DUI include a mandatory minimum of either 5 (now 2) days in jail or 30 days (now 100 hours) of community service for a second conviction, or 10 days in jail or 60 (now 30) days of community service for a third or later conviction within 5 years after the last one. A driver found guilty of DUI can, after court-ordered evaluation for addiction, be required to get treatment (S.B. 823, Bomke et al.—Black).

Driving under the influence a fourth or later time, while driving privileges are suspended or revoked for DUI violations, becomes nonprobationable (S.B. 660, Roskam—Hultgren-O'Connor-Mulligan-Meyer-Black).

A person suffering license revocation for a repeat DUI conviction cannot get a restricted driving permit for at least 1 year after revocation. A person with a repeat license revocation or suspension for DUI, if issued a restricted driving permit, may not drive without a breath-test interlock, and must pay a fee up to \$20 per month while using it. A person convicted of driving with blood alcohol at least twice the legal limit must get a fine of at least \$500 and at least 100 hours of

community service for a first offense; 2 days in jail and a fine of \$1,250 with one prior DUI in 10 years; 90 days in jail and a fine of \$2,500 with two prior DUI offenses in 20 years; and no probation or conditional discharge and a minimum fine of \$2,500 with three prior DUI offenses in any time period (H.B. 2265, Brosnahan-Hoffman-Fritchey-Black-Parke et al.—Halvorson-Radogno-Bomke-Hawkinson-Dudycz).

Additional fees are added to DUI fines to fund the Trauma Center Fund and spinal-cord injury research. The fine for a repeat DUI offense is doubled to \$200 (S.B. 64, Silverstein-Karpel—Hoffman-Johnson-Novak).

School zone. DUI, if it is committed in a school zone with children present and results in an accident causing serious harm, will be aggravated DUI (S.B. 20, Parker et al.—Coulson-Brosnahan-O'Connor-Mulligan-Durkin).

Driving Offenses (Other).

Emergency-vehicle passing (“Scott’s law”). A driver approaching a stopped emergency vehicle whose emergency lights are flashing must pass with at least one lane of separation from it if possible and safe; or if not, pass carefully at a safe speed. Violation brings mandatory license suspension and a fine up to \$10,000. If violation damages property, or injures or kills anyone, the suspension must last 90 days to 2 years depending on the harm (H.B. 180, Bost-Schmitz-Osmond-Acevedo-McKeon et al.—Dudycz-Munoz-Parker-Sieben-Shadid).

Reckless homicide. A person imprisoned for reckless homicide cannot get a driver’s license for 24 months after release (S.B. 602, Halvorson-Lightford—Mendoza-Black-Acevedo-Mathias-Scully).

School and construction zone fines. The \$150 fine if children or workers are present is doubled for a repeat offense (H.B. 3246, Stephens-Black—Noland).

Suspended-license driving. Persons convicted for repeatedly driving with licenses revoked or suspended must get mandatory minimum community service or jail, based on the number of offenses and the severity of offense causing suspension or revocation. Jail is mandatory for a third or later violation after revocation or suspension for hit-and-run or DUI. After a fourth conviction, a court may seize the person's license plates and immobilize the vehicle for a time set by the court (H.B. 2266, O'Brien-Hoffman-Black-Parke-Brosnahan et al.—Halvorson-Radogno-Bomke-Parker-Hawkinson).

Drugs. Nuisances. An owner of property where drug activity occurs gets 60 days to comply with a prosecutor's recommendations to abate it before a nuisance complaint can be filed (H.B. 857, Acevedo-Mendoza-Soto-Osterman-Bradley—Munoz; S.B. 194, del Valle-Lightford—Delgado-Acevedo).

Penalties. A person can be convicted of drug-induced homicide or drug-induced infliction of great bodily harm for violating any part of section 401 of the Controlled Substances Act (now only the parts listing the most serious felonies). Drug-induced homicide by violating those additional parts becomes a Class X felony, but without the mandatory minimum term applying to the most serious felonies. Penalties for making or delivering several Schedule I substances (including "Ecstasy") are raised (H.B. 126, Daniels-Cross-O'Connor-Kosel-Bassi et al.—Dillard-Burzynski).

Special courts. The chief judge of a circuit can set up a drug court where persons charged with nonviolent drug crimes who admit drug use or addiction can be tried with consent of all parties and the judge. Sentences will emphasize rehabilitation, but a defendant can be jailed for failure to cooperate (S.B. 138, Cullerton-Obama-Munoz-Lightford—O'Brien-Lang-Garrett-Novak-J.Curry).

Eavesdropping Orders. A new or renewed court order allowing eavesdropping can last up to 30 days (now 10). A state's attorney can authorize an assistant state's attorney to apply for such orders (H.B. 888, Cross-J.Turner-Bellock—Cronin).

Elder Abuse. Definition. The crime of criminal *neglect* of an elderly or disabled person is expanded to include criminal *abuse* of such a person—a Class 3 felony (S.B. 940, L.Madigan-Munoz-Ronen-Obama et al.—Brosnahan-Fritchey-Franks-Fowler-Fowler).

Domestic violence orders. Orders of protection can be filed against caregivers for elderly or disabled persons, in addition to persons already subject to such orders (S.B. 938, L.Madigan-Munoz-Ronen-Obama et al.—Lang-Acevedo-Mendoza-Crotty-Scully).

Evidence. An exception to the hearsay rule for persons 60 or older, not in nursing or other licensed homes, who make out-of-court statements about alleged crimes is expanded to apply to a prosecution for any "physical act" (now only abuse, neglect, or financial exploitation). To use the exception, a person need only have physical infirmities (now, physical infirmities preventing a court appearance). Several crimes are added to those to which the exception specifically applies,

including various kinds of robbery (S.B. 464, Geo-Karis-O'Malley-Sullivan-Parker—O'Brien-Brosnahan-Fowler-Forby-Saviano).

Victimizer database. The Department of State Police (DSP) can create a database of persons arrested for alleged crimes against persons 60 or older—mainly to develop information on likely targets, common schemes, and techniques to fight victimization (S.B. 500, DeLeo-Silverstein et al.—Fritchey-Mendoza-Fowler-Forby-McGuire).

Emergency-Worker Harm. A new factor justifying an extended prison term up to twice the usual limit is that the defendant illegally made a controlled substance or possessed explosives, and a police or other emergency worker was injured or killed responding to an emergency involving the crime (H.B. 978, Moffitt-O'Brien-Black-Bost-Schmitz—Hawkinson-Geo-Karis-Shadid).

Evidence Preservation. Requirements for law enforcement agencies to preserve evidence in sex and homicide cases are modified and generally strengthened (H.B. 2228, Johnson-Winkel-Durkin-Parke—Hawkinson).

Firearms. Card forgery. Forging, materially altering, or counterfeiting a Firearm Owner's Identification card; knowingly possessing a forged or materially altered card intending to use it; or knowingly possessing a counterfeit card is prohibited as a Class 2 felony (H.B. 1942, Brosnahan-Garrett-May-Scully-Bradley et al.—Parker-Roskam-Obama).

Card misuse. Giving false information in applying for a firearm owner's card is raised from a Class 3 to a Class 2 felony. Transferring a firearm to a

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Criminal Law

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person lacking a card (normally a Class 4 felony) rises to Class 1 with a third conviction. Appeals from card denials due to forcible felonies, stalking, domestic battery, felony gun crimes, and drug crimes that are Class 2 or worse felonies will go to a circuit court, not the Director of DSP. A person must surrender a card and all firearms to gain release on bail, probation, or conditional discharge (S.B. 1065, Cronin-Parker-Radogno-Mahar-Sullivan et al.—O’Connor-Bassi-Osmond-May-Yarbrough).

Cellphone look-alikes. Guns resembling cell phones are prohibited except for police use (S.B. 37, Silverstein—Parke).

Ordinances. Each municipality must send a copy of any existing or new firearms ordinance to DSP for publication (H.B. 542, Righter-Black-J.Jones-Berns—R.Myers).

Tracing. If police acquire a firearm that was used in a felony or that appears lost, stolen, or unclaimed, they are to trace its ownership (this is required now only for illegally possessed guns) (H.B. 3262, Mendoza-Acevedo-Osmond-J.Turner-Righter—Cullerton-Obama-L.Madigan-Link).

Unlawful ammunition. Several kinds of ammunition with especially lethal projectiles are added to a prohibition on armor-piercing ammunition (H.B. 2315, Mendoza-Erwin-Osmond-Righter et al.—Munoz-Obama-Molaro-Dudycz-Ronen).

Gang-Related Crimes. First-degree murder to further gang activity can be punished by death. Assault committed to further gang activity becomes aggravated assault; battery committed to

further gang activity becomes aggravated battery. Battery committed with a firearm to further gang activities becomes aggravated battery with a firearm (H.B. 1812, Mendoza-Acevedo-Bradley-Winkel et al.—Munoz-Petka-Geo-Karis), **amendatorily vetoed**.

Guide Animals. *Prisoner training.* The Department of Corrections can train prisoners to be service-dog trainers, then donate trained dogs to persons with disabilities (H.B. 41, Meyer-Stephens-Mautino-R.Myers-Holbrook et al.—Lauzen-Donahue-Noland-Dillard).

Public places. A guide or leader dog, accompanied by a trainer of such dogs with credentials from a school for training such dogs, must be allowed in places of public accommodation (H.B. 447, Feigenholtz-Erwin-Black—Ronen-Parker).

Intoxication Defense. This defense to a criminal charge is eliminated unless the intoxication was involuntary (S.B. 265, Jacobs-Hawkinson-O’Malley-Woolard et al.—Hoffman-McGuire).

Juveniles. *Medical copayments.* Persons in Department of Corrections Juvenile Division facilities are exempted from the \$2 copayment per non-emergency outside medical visit (H.B. 2847, L.Jones-S.Jones-Howard-Rutherford-Lang et al.—Obama).

Probation. If a minor is charged with a crime of violence in or near a school, a condition of continuance or probation can be that the minor attend an educational program at a different school—with the consent of its superintendent (S.B. 1097, Dillard—Meyer).

Supervision and pretrial services fees. Juveniles under supervision and actively supervised by a probation department must pay \$25 monthly unless

they cannot pay or are state wards. Persons getting pretrial services must pay a fee for such services based on ability to pay (S.B. 1058, Myers—McCarthy).

Kidnapping Alert System. DSP must develop a program to transmit state-wide alerts on missing or kidnapped children (H.B. 643, Ryan-Crotty-May-Forby-Fowler et al.—Link-L.Walsh-Geo-Karis-Obama; the same provision is in S.B. 373, Munoz-Ronen-Lightford-Woolard-Clayborne et al.—Mendoza-Lang-Acevedo-Younge-McGuire).

Liquor Delivery to Homes. Liquor may not be delivered to a residence unless a person 21 or older signs for it there. Each commercial transporter of alcohol must report all residential deliveries and the name of the person signing for each (H.B. 1000, Biggins-Saviano-Hoffman-Schmitz-Reitz et al.—Dillard).

Medical “Discount” Cards. Selling or promoting cards or other things promising discounts on health care is prohibited if they (1) do not clearly state that they are not insurance; (2) are not backed by contracts with listed medical providers; or (3) are misleading (H.B. 3179, Stephens-Tenhouse-Hartke-Lindner-Brady—T.Walsh-Obama).

Mentally Retarded Victims. Prohibitions of the Criminal Code on kidnapping, abduction, sex crimes, and battery are expanded to protect all severely or profoundly mentally retarded persons (now only those who are institutionalized). A court can take closed-circuit TV testimony from an alleged sexual assault victim who is mentally retarded (now only from a child). Statements by such persons out of court become admissible, under

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Bills With Governor's Action

Below is a list of the bills summarized in this issue of *First Reading*, with the Governor's action beside each. ("AV" means amendatorily vetoed.) Information on all bills of this session, including their full texts, is available on the World Wide Web at: <http://www.legis.state.il.us/legisnet/legisnet92/92gatoc.html>

HB's	Action	HB's	Action	HB's	Action	SB's	Action	SB's	Action
10	P.A. 92-152	1048	P.A. 92-41	3078	Vetoed	216	P.A. 92-432	868	P.A. 92-324
12	P.A. 92-446	1096	P.A. 92-42	3128	P.A. 92-463	233	P.A. 92-199	869	P.A. 92-399
25	P.A. 92-47	1551	P.A. 92-18	3137	P.A. 92-23	265	P.A. 92-466	874	P.A. 92-325
41	P.A. 92-236	1599	P.A. 92-12	3172	AV	267	P.A. 92-467	876	P.A. 92-76
123	P.A. 92-98	1623	P.A. 92-19	3179	P.A. 92-296	269	P.A. 92-60	879	P.A. 92-233
126	P.A. 92-256	1776	P.A. 92-214	3199	P.A. 92-112	286	P.A. 92-157	882	P.A. 92-327
161	P.A. 92-407	1805	P.A. 92-239	3246	P.A. 92-242	290	P.A. 92-117	884	P.A. 92-37
171	P.A. 92-132	1812	Vetoed	3262	P.A. 92-300	326	Vetoed	898	P.A. 92-438
176	Vetoed	1814	P.A. 92-286	3289	P.A. 92-484	372	P.A. 92-279	902	P.A. 92-439
180	P.A. 92-283	1825	P.A. 92-287	3332	P.A. 92-113	373	P.A. 92-468	926	P.A. 92-38
183	P.A. 92-377	1887	P.A. 92-447	3373	P.A. 92-24	376	P.A. 92-64	935	P.A. 92-440
196	AV	1942	P.A. 92-414	3377	Vetoed	401	P.A. 92-434	938	P.A. 92-253
198	Vetoed	1970	P.A. 92-478	3440	P.A. 92-08	403	P.A. 92-173	940	P.A. 92-328
205	P.A. 92-39	2088	P.A. 92-415	3489	P.A. 92-09	405	P.A. 92-158	941	P.A. 92-77
222	Vetoed	2125	P.A. 92-13	3491	P.A. 92-10	406	P.A. 92-405	950	P.A. 92-373
229	P.A. 92-175	2138	P.A. 92-179	3493	P.A. 92-11	434	P.A. 92-159	962	P.A. 92-02
231	P.A. 92-332	2157	P.A. 92-416	3574	P.A. 92-26	435	P.A. 92-469	969	P.A. 92-441
250	P.A. 92-14	2161	P.A. 92-137			448	P.A. 92-174	979	P.A. 92-402
263	P.A. 92-208	2228	P.A. 92-459			461	P.A. 92-307	993	P.A. 92-374
266	P.A. 92-52	2254	Vetoed	SB's	Action	464	P.A. 92-91	994	P.A. 92-346
267	P.A. 92-257	2255	P.A. 92-168	5	P.A. 92-342	500	P.A. 92-246	1017	P.A. 92-149
289	P.A. 92-101	2265	P.A. 92-418	15	P.A. 92-388	542	P.A. 92-68	1019	P.A. 92-126
313	P.A. 92-209	2266	P.A. 92-340	20	P.A. 92-429	575	P.A. 92-308	1024	P.A. 92-79
382	P.A. 92-348	2276	P.A. 92-356	28	AV	602	P.A. 92-343	1026	P.A. 92-96
445	AV	2282	P.A. 92-271	37	P.A. 92-155	603	Vetoed	1032	P.A. 92-80
446	P.A. 92-349	2283	P.A. 92-419	38	P.A. 92-196	606	Vetoed	1049	P.A. 92-81
447	P.A. 92-187	2290	P.A. 92-420	42	P.A. 92-430	610	P.A. 92-32	1058	P.A. 92-329
452	P.A. 92-40	2295	P.A. 92-421	49	P.A. 92-142	617	P.A. 92-227	1065	P.A. 92-442
542	P.A. 92-238	2300	P.A. 92-422	50	Vetoed	627	P.A. 92-344	1081	P.A. 92-164
579	P.A. 92-284	2301	P.A. 92-289	52	P.A. 92-244	629	P.A. 92-454	1097	P.A. 92-282
605	P.A. 92-210	2315	P.A. 92-423	60	P.A. 92-197	653	AV	1098	P.A. 92-443
632	P.A. 92-408	2391	P.A. 92-449	64	P.A. 92-431	660	P.A. 92-183	1099	P.A. 92-82
643	P.A. 92-259	2412	AV	74	Vetoed	699	P.A. 92-470	1109	P.A. 92-129
646	P.A. 92-260	2419	P.A. 92-480	75	P.A. 92-486	720	Vetoed	1135	P.A. 92-491
681	P.A. 92-410	2425	Vetoed	98	P.A. 92-171	725	P.A. 92-33	1176	P.A. 92-492
700	P.A. 92-261	2436	P.A. 92-43	104	P.A. 92-390	750	P.A. 92-394	1254	P.A. 92-130
760	P.A. 92-263	2440	P.A. 92-425	109	P.A. 92-27	751	P.A. 92-46	1285	P.A. 92-207
843	P.A. 92-474	2538	P.A. 92-483	114	P.A. 92-156	754	P.A. 92-489	1293	P.A. 92-184
846	P.A. 92-411	2539	P.A. 92-215	115	P.A. 92-391	787	P.A. 92-95	1294	Vetoed
857	P.A. 92-55	2602	P.A. 92-426	138	P.A. 92-58	797	P.A. 92-436	1297	P.A. 92-86
863	P.A. 92-412	2847	P.A. 92-292	149	P.A. 92-88	816	P.A. 92-122	1305	P.A. 92-375
888	P.A. 92-413	2865	P.A. 92-427	163	P.A. 92-44	823	P.A. 92-248	1329	P.A. 92-376
921	P.A. 92-104	2900	P.A. 92-22	164	P.A. 92-221	826	P.A. 92-249	1341	P.A. 92-185
978	P.A. 92-266	2994	P.A. 92-386	165	Vetoed	839	P.A. 92-319	1504	P.A. 92-473
1000	P.A. 92-380	3004	P.A. 92-153	168	P.A. 92-89	840	P.A. 92-320	1514	Vetoed
1001	P.A. 92-105	3014	P.A. 92-387	172	P.A. 92-245	845	P.A. 92-250	1517	P.A. 92-444
1029	P.A. 92-335	3024	P.A. 92-294	174	P.A. 92-305	856	P.A. 92-322	1521	P.A. 92-445
1030	P.A. 92-476	3050	P.A. 92-07	175	AV	860	P.A. 92-73	1522	Vetoed
1039	AV	3055	P.A. 92-295	187	P.A. 92-90	864	P.A. 92-124		
1040	P.A. 92-135	3065	P.A. 92-274	194	P.A. 92-59	866	P.A. 92-48		
1041	P.A. 92-458	3069	P.A. 92-109	208	P.A. 92-198	867	P.A. 92-148		

Criminal Law

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existing standards for children under 13, as exceptions to the hearsay rule (S.B. 401, O'Malley-T.Walsh et al.—Brosnahan-Johnson-L.Jones-Crotty-McCarthy).

Motorcyclist Bans. Restricting a person from a place of public accommodation solely due to motorcycle use is prohibited (H.B. 1039, Brunsvold-Forby-Fowler-J.Lyons-S.Davis et al.—Burzynski-L.Madigan), **amendatorily vetoed.**

Orders of Protection and Schools. A petition for an order of protection of a child attending any educational institution may omit the school's name to protect the child. The school must be notified within 24 hours after such an order is issued. If the child transfers to another school and the person who sought the order asks, the court clerk must notify it within 24 hours (S.B. 187, O'Malley-Geo-Karis —E.Lyons-Rutherford-May-Brosnahan).

Pawnshops. Each pawnshop must keep its records for 3 years. They must include the serial number of any item having one. The Commissioner of Banks and Real Estate can examine a pawnshop biennially for compliance with laws, and can ask the Attorney General to seek injunctions against those appearing to violate the Pawnbroker Regulation Act. Unlicensed operation of a pawnshop brings a new, higher penalty (Class B misdemeanor) than improper operation of a licensed shop (H.B. 2539, McKeon-Saviano—Sullivan-Lauzen).

Prison Regulation. *Guard testing.* Any employee of the Department of Corrections or DSP who tests positive for an illegal drug is to be fired (S.B. 1032, Philip-M.Madigan-O'Brien-Giles).

Prisoner testing. The Department of Corrections in January 2002 must begin studying the value of using pupilometers to screen and evaluate prisoners for drug use, using at least 4,000 tests, and report to the General Assembly by January 2003 (S.B. 1517, Dillard—Winters-Jefferson-G.Mitchell-Mendoza).

Privacy Violation. Secretly photographing or videotaping anyone “under or through” clothing with a concealed camera is a Class A misdemeanor. Distributing images so obtained is a Class 4 felony (S.B. 1297, Dillard—Mathias-Kurtz-Moffitt).

Project Exile. DSP will begin a pilot program to send criminals using guns to federal prisons by encouraging local police, and state and federal prosecutors, to send persons accused of such crimes to federal court. A new fund in the state treasury will receive appropriations, grants, and donations for DSP use in this program. DSP will report to the General Assembly on the program by March 2003 (H.B. 231, O'Connor-Zickus-E.Lyons-Kosel-Scully et al.—O'Malley-Lauzen; S.B. 5, O'Malley et al.—O'Connor-Scully-May-Mathias-Zickus).

Railroad Crossing Fines are halved to \$250 for a first offense; repeat offenses remain punishable by \$500 and a community service alternative is eliminated. Procedures are added for the pilot program of catching violators by automatic cameras in a “collar” county, and the program extended from 2 to 5 years (S.B. 172, Dillard-Philip—Bellock-Hultgren).

Sex-Crime Testing. Existing provisions allowing HIV testing of persons charged with the three most serious sex crimes are expanded to apply to persons found unfit to stand trial for



such crimes; and to authorize testing for any other sexually transmissible disease (S.B. 1049, Noland et al.—B.Mitchell-Rutherford-Moffitt).

Sexually Violent Persons. Mental health professionals working for the Department of Corrections or Human Services, and investigating or evaluating a petition under the Sexually Violent Persons Commitment Act, can see police and juvenile court records, and presentence reports, on the subject of such a petition—for use only in sexually violent persons commitment proceedings. The crime of custodial sexual misconduct is expanded to apply to staff of Department of Human Services treatment or detention centers for sexually violent persons, and to surveillance agents hired to supervise such persons upon conditional release. The time limit for beginning a trial on whether a person is sexually violent is lengthened from 45 to 120 days after a probable-cause hearing (plus apparently up to 42 more days upon application by the state); and the subject of such proceedings is presumed to agree to a delay unless the subject demands a trial. Provisions applying all the evidentiary and constitutional rules of criminal trials to such proceedings are repealed. The conditional release program for

sexually violent persons is exempted from the Mental Health and Developmental Disabilities Confidentiality Act (H.B. 2088, J.Turner—Roskam).

Sports Referees. Attacking a sports official at or near an athletic facility will bring a minimum fine of \$1,000 a first time and \$2,000 for a repeat offense (S.B. 50, Syverson-Dillard—Franks-Black-O'Connor-Mathias), **vetoed**.

Statewide Grand Jury Topics. The list of sex crimes that a statewide grand jury can investigate (now only a few involving children, such as soliciting for a juvenile prostitute) is expanded by adding sex crimes using the Internet or other computer services (H.B. 222, Schmitz-Lindner-Johnson-E.Lyons-Black et al.—Parker), **vetoed**.

“Three Strikes” Sentences. A person can be sentenced as a Class X felon after three times committing and being convicted in courts of any state or the U.S. (now only Illinois courts) of crimes having the same elements as Illinois Class 1 or 2 felonies. A person sentenced under the “three strikes” provision cannot apply for alcohol and drug abuse treatment as a condition of probation (H.B. 2300, Wait-Mathias—Roskam).

Victim Impact Statements. A violent crime victim’s family member can offer a victim impact statement at sentencing if the court permits. A victim’s representative (as an alternative to the victim, already allowed) gets a *right* to make such a statement (H.B. 863, Osterman-Holbrook-Bradley-J.Curry-Mendoza et al.—Cullerton-Radogno-Ronen-Obama).

□

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Education

Elem. & Secondary



The General Assembly voted to raise the foundation level of spending per student by 3%, and give state aid based on low-income enrollment to more districts. Districts must allow students having proper authorization to take asthma medicines; publish their budgets on the Internet if they have Internet sites; and post unfilled teaching positions on those sites or the State Board’s site. A district can set up an alternative program for 4th to 12th graders who are failure risks. Liquor is banned at schools whenever children are present.

Alternative Programs. School districts can create or contract for “alternative learning opportunities” for students in grades 4-12 at risk of failing. Subject to funding, the State Board will help districts develop such programs. To get general state aid, a program must operate at least 5 hours for at least 174 days. A student 16 or older who completes a program can take the GED test (H.B. 1096, Winkel-Novak-Cowlishaw-A.Turner-Hoef et al.—Burzynski-Weaver).

Asthma Medicine. Students having written statements from prescribers, and parental consent forms, must be allowed to take asthma drugs (S.B. 979, Parker-Radogno-Lightford-Geokaris—O’Brien-Franks-Black-Cross-M.Davis).

Attendance Interference. A prohibition on preventing a child from attending public school by threats is extended to nonpublic schools (S.B. 1026, Roskam—Hultgren).

Budgets on the Web. Any district having a Web site must post its current budget there, and give parents the site’s Internet address (S.B. 898, O’Malley—Schoenberg-Franks-Dart-Garrett).

Bullies. Each local school board is to set up policies to find and deal with students showing aggressive behavior, including bullying (H.B. 646, Lindner-Crotty-Coulson-M.Davis-Boland et al.—Cronin-L.Madigan-Parker).

Construction Grants to districts will be based on grant indexes that separately consider (a) K-8 and (b) grades 9-12; formerly all grades were combined for calculations. But through FY 2002, a district will get grants under the more favorable of the

(continued on p. 16)

Elem. & Secondary

Education *(continued from p. 15)*

old or the new method (H.B. 2255, Hoffman-Hoeft-J.Curry-S.Davis-Holbrook et al.—Watson-Link-Cronin-Lightford).

Diplomas For Veterans. High school diplomas may be awarded to honorably discharged World War II or Korea veterans who lived in the school district and dropped out to go to war (H.B. 12, Mathias-Osmond-Hultgren-Bellock-Moffitt et al.—Mahar).

Driving Safety. High schools must instruct students in grades 10-12 on precautions needed for highway emergencies and construction zones (H.B. 198, Forby-Hoffman-Fowler-Crotty et al.—Woolard-L. Walsh), **vetoed**.

Ethnic Studies. Hispanics are added to the list of national and ethnic groups whose contributions to U.S. and Illinois history must be taught (S.B. 109, del Valle-Lightford-Munoz et al.—Soto-Delgado-Howard-Miller-Flowers).

Expulsion Duration. School district policy may bar students suspended or expelled anywhere from enrolling in its schools while the suspension or expulsion lasts (S.B. 376, Sieben-Cronin-O'Malley-Roskam-Burzynski et al.—G.Mitchell).

Lifesaving Techniques. School boards must encourage all staff to learn techniques such as the Heimlich maneuver and rescue breathing (H.B. 3137, McGuire—L. Walsh).

Liquor at Schools. Opened alcoholic beverages are banned on

school property when children are present—with an exception for authorized religious ceremonies (H.B. 445, Kosel-L.Jones —Mahar-Hawkinson), **amendatorily vetoed**.

Military-Base Grants. A school district (except Chicago) containing a U.S. military installation from which some students attend will get an annual compensating grant (S.B. 326, Link-Geo-Karis-Peterson-Clayborne-Watson—May-Garrett-Coulson-Moore-Holbrook), **vetoed**.

State Aid. The foundation spending level per student is raised from \$4,425 to \$4,560 in 2001-02. Amounts of supplemental state aid for low-income students are increased and extended to districts with only small low-income enrollment. In calculating general state aid, a district can use the greater of the last year's or the average of the last 3 years' attendance (H.B. 3050, A.Turner-G.Mitchell-J.Curry-Mike Smith-Leitch et al.—Karpel-L.Madigan-O'Malley-Watson-Cronin).

Substitute Teachers with proper certificates can teach up to 120 (instead of 90) days in a district in school years 2001-02 through 2003-04 (H.B. 2425, Cowlshaw-Bellock-Mathias—Cronin, **vetoed**; S.B. 1293, Cronin-Parker—G.Mitchell-Cowlshaw-Mathias-Kosel-Boland).

Vacancies. Regional superintendents, and the Chicago school district, must post unfilled positions on the Internet—or if they have no Internet site, give it to the State Board of Education to post on its site (which must also have links to local sites) (H.B. 1048, Soto-McCarthy-Boland-M.Davis—del Valle).

Higher Education



The General Assembly voted to raise limits for current scholarships and create new scholarships for students planning to teach.

Monetary Award Scholarships. The limit on annual grants is raised from \$4,740 to \$4,968 for full-time, and from \$2,370 to \$2,484 for part-time undergraduates (S.B. 406, Watson-Lightford et al.—Wirsing-Erwin-Soto-Delgado-May).

Teacher Scholarships. The Illinois Student Assistance Commission will offer Illinois Future Teacher Corps Scholarships funded by "Education" license plate fees. Applicants must be high school seniors or graduates, with grades in the top third of their high school classes; superior ability to profit from college; and intent to teach in Illinois schools. College graduates seeking retraining can also apply. Grants will pay up to \$5,000 yearly for 4 years; recipients must teach 1 year per year of grant, or repay it at 5% interest (S.B. 1521, Lauzen-Mahar-Dillard-Parker-Radogno et al.—McKeon-Fowler-Forby-Delgado-Soto). □

Lillian Kinnel, Senior Research Associate

Environment & Conservation

The General Assembly voted to offer grants to help restore contaminated “brownfield” sites; require NO_x emissions trading to begin in May 2004; ban use of the fuel additive MTBE in 2004; and strengthen enforcement of the Lead Poisoning Prevention Act.

Brownfields Restoration. The Illinois EPA, cooperating with the Department of Commerce and Community Affairs, can make grants up to \$750,000 to help restore abandoned or underused “brownfield” properties that receive “No Further Remediation” letters after 2001. Priority will go to economically depressed areas (S.B. 75, Watson-Clayborne-Lauzen-Welch-Mahar—Hoffman-Holbrook-Stephens-Moore).

Clean Air; Used Tires. A subsection under which minor “administrative permit amendments” to Clean Air Act Permit Program permits can include changes due to U.S. EPA-approved economic incentives, marketable permits, or generic emission trading rules is repealed. The definition of “used tire” for purposes of eliminating buildups is extended to worn tires mounted on a wheel rim although not on a vehicle. The Illinois EPA can agree to clean up sites with over

250,000 used tires at proprietors’ expense, payable within 5 years (H.B. 3373, Pankau et al.—Mahar).

Hunting. Deer. The permits available at no charge to owners of a company, to hunt deer on land it owns, can go only to bona fide equity owners as defined (H.B. 700, Lawfer—Sieben).

Disabled hunters. The Department of Natural Resources can issue permits to disabled persons to hunt from vehicles (S.B. 874, Sieben-Woolard-Noland—R.Myers).

Lead Poisoning; Appliance Disposal. Penalties and procedures for abating violations under the Lead Poisoning Prevention Act are strengthened. Scrap dealers and junkyards may not process large appliances if they contain CFCs, PCBs, or mercury (H.B. 1887, Hamos-Brunsvold-Bradley-Fritchey-McCarthy et al.—Obama-Clayborne-T.Walsh).

MTBE Ban. Use of the additive methyl tertiary butyl ether in fuels is banned starting in July 2004 (H.B. 171, J.Curry-O’Brien-B.Mitchell-Mike Smith-Reitz et al.—Noland-L.Walsh-Donahue-L.Madigan-Sullivan).

NO_x Emission Trading. The time when fossil-fueled plants must start participating in the NO_x trading program is delayed to May 31, 2004. The EPA in 2003 or 2004 must send the House and Senate environment



and energy committees its findings on the potential need to control or reduce emissions from fossil-fueled power plants (S.B. 372, Radogno-Link-Ronen-Mahar-T.Walsh et al.—Moore-Hassert-Erwin-B.F.Currie-Mulligan).

Plant Chemicals. Provisions on preventing and responding to pesticide release are extended to commercial fertilizers. Lawn-care products for distribution to customers must be loaded within containment areas (H.B. 3332, J.Turner-Hassert—Noland).

Tree Trimming. Electric utilities must follow tree care and maintenance standards of the American National Standards Institute during non-emergency trimming, and tell property owners how to appeal planned trims (including a Web site and toll-free number). These requirements do not apply if a contract between a utility and municipality sets specific notification and trimming practices. Procedures are created for a utility to seek reimbursement if a municipal ordinance increases trimming costs. A utility’s vegetation management may not trespass on owners’ property (H.B. 1776, Rutherford-Novak-Brady-Hoeft-Berns et al.—Weaver-Maitland-Roskam). □

Jessica Schmied
Science Research Assistant

VETO SESSION

November 2001

7 Perfunctory
13, 14 Session
15 Tentative
27, 28, 29 Session

Health & Safety



Bills that passed both houses expand eligibility for the Comprehensive Health Insurance Plan; require greater insurance coverage of mental disorders and mastectomy followup; and will require water slides and spas to be inspected for safety starting in 2002 and 2003. Other successful bills call for studies of using disease management for chronic diseases, and the feasibility of commercially growing hemp. A bill that passed the Senate would ban human cloning until 2007.

Breast Milk. Employers must allow employees who are nursing mothers to use unpaid time to express milk for their babies unless that would unduly disrupt operations. Private rooms are to be provided if possible (S.B. 542, Margaret Smith-Halvorson-Lightford-L.Madigan-Ronen et al.—Erwin-Moore-B.F.Currie-Poe-Righter).

CHIP Program. “Federally eligible” persons can be covered by the

Comprehensive Health Insurance Plan starting up to 90 (now 63) days after other coverage ends. A federally eligible person will not be made ineligible for CHIP due to receiving Medicare for a disability (H.B. 3004, Krause-Mulligan-Holbrook-Reitz—R.Madigan).

Persons who are not federally eligible; had individual health coverage; and lost it due to insurer insolvency can avoid CHIP’s “pre-existing conditions” exclusion (S.B. 962, Syverson-Sieben—Mautino-Flowers-Slone-Osterman-Lindner).

Chronic Disease Management. The Department of Public Aid, subject to appropriation, can do a pilot project to study the effects of using disease management for chronic diseases (S.B. 165, del Valle-Lightford—Delgado-Miller-Young-Howard-Kenner), **vetoed**.

Community Health Centers. The Illinois Department of Public Health (IDPH), subject to appropriation, can make grants to help start or expand community health centers to provide primary care (and environmental improvement) in medically underserved areas (S.B. 149, Donahue-Obama-Noland-Munoz-Ronen et al.—Feigenholtz-Bellock-L.Jones-Black-Howard).

Dementia Care. The IDPH Director must appoint a committee to study and make recommendations for staffing in nursing homes with dementia patients (S.B. 286, W.Jones-Link—Berns-May-Coulson-J.Jones-Mulligan).

“Do Not Resuscitate” Form; Restraints. IDPH, consulting with state medical groups, must develop a uniform document for “DNR” orders. Hospitals must have policies to implement orders limiting resuscitation efforts, such as DNR orders. A person who is at least 18 or emancipated may execute a document directing that a DNR order be issued; the patient’s consent to such an order must be witnessed by two adults. Each hospital must have a written policy on using restraints and seclusion. Only a physician, or a registered nurse authorized by the hospital, can order either (H.B. 2276, Ryder-Miller-Coulson-Klingler-Osmond et al.—Silverstein-Obama-Syverson).

EMTs; Ambulance Smoking. Education and training requirements for emergency medical technicians (EMTs) must include epinephrine use. EMTs who complete an approved course in administering epinephrine must carry it with their medical supplies while on duty. No one may smoke in an ambulance or other specialized emergency medical services vehicle (S.B. 1329, Lightford-Trotter-Parker-Margaret Smith-Ronen et al.—Parke).

Fetal Remains. Hospitals holding remains from a spontaneous fetal death at less than 20 weeks must notify the mother of the right to burial or cremation. If she chooses either, disposition of the fetus must meet the same requirements as for a fetal death after 20 weeks (H.B. 382, Saviano-Brady et al.—T.Walsh-Cronin).

Generic Drug Safety. IDPH’s Technical Advisory Council need not hold a formal hearing on a generic drug suspected of being non-equivalent to the branded version unless its manufacturer so requests; the Council may

instead use a less formal review (H.B. 3199, May-Hoffman-Miller-Hamos-Garrett et al.—Link-Ronen).

Hemp Study. The University of Illinois is authorized (but not funded) to study the feasibility of commercially growing hemp (which has less addictive content than marijuana). Western Illinois University can concurrently study the potential effects of such commercial production on law enforcement (H.B. 3377, Lawfer-Boland et al.—Bowles-Sieben), **vetoed**.

Insurance. Drug formularies. Accident and health insurers that use a formulary for drugs they cover must notify insureds of any changes in the formulary; they may do so on Web sites (S.B. 935, Bomke—Poe-Flowers-Kurtz-Klingler-Miller).

Genetic information use. The prohibition on insurers' use of genetic testing information is amended to clarify that it applies regardless of the source of the information (S.B. 42, Hawkinson-Cullerton—Moffitt-Feigenholtz-Flowers-Tenhouse-Ryder).

Long-term care. Sellers of policies must give prospective buyers information including whether they are intended to qualify for federal income tax exemption. The policies must meet some added requirements, including having no waiting period if a policyholder replaces one such policy with another one with the same benefit level (S.B. 867, Peterson—Parke-Osmond-Cowlshaw-Yarbrough-Mathias).

Mastectomy Reconstruction. Any insurance or HMO contract that covers mastectomy must also pay for follow-up breast reconstruction and prostheses (S.B. 866, Peterson-Donahue-

W.Jones-Geo-Karis-Mahar et al.—Mulligan-Coulson-Feigenholtz-Pankau-Krause).

Meningitis Prevention. Public universities must inform new students about meningitis and, if vaccine is available, offer it at any health clinics they provide for students (S.B. 168, Myers-Hawkinson—Black-O'Brien-Richter-Berns).

Mental Health Coverage. Group accident and health insurers (except of small employers) must cover "serious mental illnesses" (as defined) in the same way as physical illnesses, from their first policy renewal in 2002 through 2005. A "group health benefit plan" must also cover mental illnesses if medically necessary, but may impose tighter limits. The Department of Insurance is to study the costs and benefits of this law and report to the General Assembly by March 2005 (S.B. 1341, Radogno-T.Walsh-Klemm-Sullivan-Parker et al.—Bellock-M.Madigan-E.Lyons-Johnson-Lindner).

Organ Donation. A decedent's agent under a health-care power of attorney (if it gives specific direction as to organ donation) can authorize organ donation without consent by relatives. An adult grandchild is added as sixth in priority for deciding whether to authorize a decedent's organ donation, and the decedent's surrogate decision-maker as eighth. A task force will consider other ways to encourage donations (H.B. 446, Wirsing-Feigenholtz-Erwin-Miller et al.—Syverson-Trotter).

Prenatal HIV Test Cost. Health insurance and HMO coverage that provides maternity care must pay for prenatal HIV testing ordered by a

medical professional (S.B. 1254, Lauzen-Lightford-Margaret Smith et al.—Feigenholtz-Dart).

Radiation Cleanup; Radon Contractors. The Department of Nuclear Safety must coordinate a cost-effective and safe remediation program for radiation sites in Ottawa, Illinois that are on the National Priorities List. A person offering radon detection and mitigation services without a license from the Department must pay a civil penalty of up to \$5,000 (H.B. 3014, Rutherford-Saviano-Holbrook-Reitz-Hultgren et al.—Rauschenberger).

Rape Victim "Morning After" Information. Every hospital, in providing services to sexual assault victims, must ensure that they get information on emergency contraception (S.B. 114, Radogno-Shaw-Ronen-L.Madigan-Obama et al.—Mulligan-E.Lyons-Hamos-Coulson-Mendoza).

Vaccination Exemptions. A child cannot be considered neglected or abused for purposes of adoption solely because a parent or guardian refused or delayed vaccination under a lawful religious or medical waiver (S.B. 1305, O'Malley—Feigenholtz-Cowlshaw-M.Davis).

Water Safety. Large water slides will be added in 2002, and spas in 2003, to a law regulating non-private swimming pools and beaches. They must be licensed by IDPH, which will require measures to avoid entrapment or entangling bathers. Regulations may be less strict for spas built before 2003, but must require minimum features to prevent entrapment (H.B. 1551, Daniels-Bellock—Dillard).

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Local Government



Health & Safety

(continued from p. 19)

Water slides are exempted from regulation under the Carnival and Amusement Rides Safety Act (H.B. 3574, Bassi—Peterson-T.Walsh).

Unsuccessful Bill

S.B. 493 (Burzynski—Reitz-Hultgren-Rutherford-Novak) would put a moratorium on human cloning until 2007 and revoke the license of any health facility violating the moratorium. It passed the Senate 56-0 and got to Second Reading in the House, but was referred to the House Rules Committee for lack of action. □

Robert L. Bayless
Senior Staff Scientist

The General Assembly voted to ease some existing requirements or deadlines for tax increment financing; authorize local governments to give their employees paid time for Illinois disaster relief; and authorize municipalities and counties to issue revenue bonds to promote home mortgage lending.

Building Code Changes. Counties and municipalities except Chicago that adopt new or amend existing building codes must notify the Illinois Building Commission of any building code changes at least 30 days before they are adopted. The Commission will “identify” all such new codes and changes on the state’s Internet site (S.B. 754, Sieben—Granberg-Holbrook-McCarthy).

“Disaster Relief” Leave. A local government may give up to 20 days’ paid leave during any year to an employee certified by the Red Cross as a disaster service volunteer to help in Illinois disaster relief (S.B. 787, Donahue-Dudycz—Tenhouse-Bost-R.Myers-Stephens-Reitz).

Liquor Sales. Alcoholic beverages can be sold on Cook County Forest Preserve golf courses and recreational lands, and temporarily at Memorial Stadium in Champaign during Chicago Bears games (H.B. 2412, Winkel-Berns—Weaver).

Mortgages From Local Governments. A municipality or county is authorized to buy from lenders, or arrange with lenders to originate, mortgage loans on properties of up to four units. This is to help low- and moderate-income persons buy homes, and can be financed only by selling revenue bonds (S.B. 49, Syverson-Weaver-Clayborne-Donahue et al.—Leitch-Moffitt-A.Turner-May-Mathias).

Redevelopment Projects. Creditworthiness standards are imposed for developers seeking municipal redevelopment incentives. Distributions of Illinois Tax Increment Fund money for projects that had begun by about 10 years ago can continue even if project bonds are paid off before the projects end—but must reach zero by fiscal year 2008. Municipalities that have extended the dates for completing redevelopment projects and paying off bonds to the end of 2013 can continue getting payments from the Fund if they keep contributing their shares of real property tax increment revenues to a special tax allocation fund.

Several named municipalities (and any that are under the Financially Distressed City Law) are allowed 35 instead of 23 years to pay off redevelopment bonds (H.B. 760, Leitch-Scott-Scully-Moffitt—Radogno-Hawkinson-Clayborne).

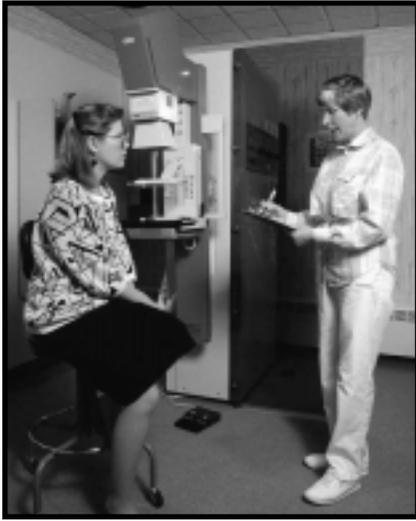
Wage Deductions. Chicago, Cook County, and several other Chicago-area local governments can deduct from their employees’ pay amounts they owe to other such governments, after giving each employee an opportunity to be heard. The maximum deduction is 25% of an employee’s take-home pay (H.B. 3069, Stroger-Fritchey-McAuliffe-Acevedo-Burke—Munoz-Dudycz).

Unsuccessful Bill

H.B. 3098 (Dart-Currie-Black-Ryder-Righter et al.—Dillard-Demuzio-Obama-Cronin-Radogno), to require recording or transcribing of closed meetings of public bodies, passed the House 91-10 and is still subject to consideration in the Senate Executive Committee. □

Charles L. Minert, Sr. Research Associate

Professions & Occupations



The General Assembly voted to license home inspectors; strengthen the program of scholarships to future nurses; and make some changes in licensing of insurance producers and interior designers.

Animal Euthanasia. A non-veterinarian must have a certificate from the Department of Professional Regulation to euthanize animals in an animal shelter or control facility (H.B. 2391, Leitch-S.Davis-McCarthy-Fritchey-Stephens et al.—Syverson-Burzynski-Weaver-Ronen).

Broadcasting Noncompetition Contracts. Covenants not to compete in the radio, television, and cable industry are prohibited, except during the term of the person's employment and in management and sales jobs (S.B. 720, Dudycz-Ronen—McAuliffe-Erwin-Capparelli-Saviano-Acevedo, vetoed).

Home Inspectors must be licensed by the Office of Banks and Real Estate (OBRE) starting January 1, 2003. Requirements for licensing include passing an exam and (except for existing inspectors) taking classroom training prescribed by OBRE in schools it licenses (H.B. 1805, McCarthy-Zickus-J.Curry-Miller-Novak et al.—Klemm).

Insurance Producers. Provisions for licensing insurance producers (persons who negotiate or sell insurance, normally on commission) are reorganized with some changes. They include requiring businesses (now only individuals) acting as insurance producers to be licensed; dividing licenses into categories by insurance type; and exempting persons who advertise insurance in multiple states, are licensed elsewhere and sell multistate policies there, or work full-time for an employer to whom they provide insurance advice (H.B. 2994, Parke-Black-Osmond-Mautino—R.Madigan).

Interior Design. Phrasing suggesting that the state regulates the *practice*, rather than only use of the *title*, of interior designer is eliminated. The act is extended to 2012 (H.B. 921, Pankau-B.F.Currie-J.Curry-Feigenholtz-Bellock et al.—Noland-E.Jones).

Nurses. Licensing. A provision that a person must pass the nurse licensing exam within 3 years after graduating from a nursing school is replaced with one saying that a person never before licensed in a jurisdiction whose nursing exam Illinois

recognizes, and who does not pass Illinois' exam within 3 years after applying, must go back to nursing school to be licensed (H.B. 205, Saviano-Parke-Black et al.—Burzynski).

Scholarships. The limit of Nursing Education Scholarships to 500 per year is eliminated. Recipients must start working as nurses within 1 year after graduation (now 7 years) unless granted a deferral or totally and permanently disabled. Scholarships will pay about 75% of tuition and fees plus a living allowance, rather than dollar amounts set in the law (H.B. 2436, Lindner-M.Davis-Black-Osterman et al.—Burzynski-Ronen). At least \$750,000 per year is to be transferred to the fund for these scholarships (S.B. 751, Burzynski et al.—Fowler-Boland-Forby-Reitz-Slone).

Sexual assault examinations may be done by a registered nurse who has completed an approved sexual assault nurse examiner program (H.B. 3172, Hoeft-Lindner-Johnson-Krause-Beaubien et al.—Karpel-Bowles), **amendatorily vetoed.** □

David R. Miller
Deputy Director for Research



Revenue



Successful bills will increase state sales tax allocations to the McCormick Place Expansion project; exempt from Illinois income taxation all military pay, and contributions to accounts in the College Savings Pool; and allow more residents of life-care facilities to use the Senior Citizens Homestead Exemption. The Department of Revenue can cooperate with the IRS and other states to collect taxes, and continue discussions with other states on simplifying state and local sales taxes.

Income Tax. *Affordable housing credit.* In tax years 2001 to 2006, taxpayers can take as a credit 50% of donations to affordable housing projects designated by the Illinois Housing Development Authority (within dollar limits set in the new law) (S.B. 1135, Peterson-Ronen-Hendon-Obama-Silverstein et al.—A.Turner-B.F.Currie-Erwin-Yarbrough-Young).

College savings. Starting in 2002, contributions to an account in the College Savings Pool become deductible from taxable income (S.B. 902, Watson-Sullivan-Noland-Radogno-Luechtefeld et al.—Wirsing-Fowler-Forby-Burke-McKeon).

Korean War checkoff. A checkoff is authorized for the Korean War Veterans National Museum and Library Fund (S.B. 208, W.Jones—McGuire-Reitz-Boland-Holbrook-Lawfer).

Military pay. The existing deduction for active-duty pay is extended to all pay as a member of the military, an Illinois National Guardsman, or a government employee held as a POW (S.B. 52, Mahar-T.Walsh—McCarthy-Kosel-Parke-S.Davis-Cowlshaw).

Property Tax. *Fraternal organizations.* Starting in tax year 2002, property owned by entities meeting criteria that apply to the Knights of Columbus, Moose, and Elks will be assessed at 15% of final assessed value in the 2001 assessment year (S.B. 15, Philip-Sullivan—Dart-J.Lyons-Black-Franks-Hoffman).

Life-care facilities. Residents of such facilities can use the Senior Citizens Homestead Exemption without owning units, if they are required by contract to pay property tax (S.B. 38, Silverstein—Lang-S.Jones-Novak-Scully-Young).

Overlapping districts. If a court holds that taxes were under- or overextended before 2001 in a taxing district that crosses county lines, later levies must be adjusted to make up the error (H.B. 183, Beaubien—Peterson).

Sales Tax. *Direct payments.* The Illinois Department of Revenue (IDOR) can allow approved taxpayers to pay sales tax directly to it, bypassing retailers (H.B. 3289, Parke-Pankau—Burzynski).

Hospital equipment. Computers and communications equipment used for hospital purposes, and any equipment used for diagnosis, analysis, or treatment of patients, if bought and leased to a hospital for at least 1 year, is exempt from sales tax—along with personal property bought and leased to a government for at least 1 year (S.B. 617, Peterson—Holbrook-Hartke-McGuire-Reitz-Stephens).

McCormick Place funding. The limit on bonds salable for the McCormick Place Expansion is raised by \$800 million to \$2.107 billion. Annual limits on sales tax deposits into the McCormick Place Expansion Project Fund are increased, by amounts ranging from \$9 million in FY 2002 to \$15 million in FY 2012. The annual limit is to reach \$275 million in FY 2023, and such deposits will continue until 2042 instead of ending in 2029. The \$4.8 million per year from cigarette taxes currently transferred for McCormick Place expansion is now to be transferred to a new Statewide Economic Development Fund (H.B. 263, Novak-Saviano-Schoenberg-Erwin-Brunsvold et al.—Dillard-Margaret Smith-DeLeo).

Simplification. A new act, adding to P.A. 91-882 (2000), authorizes four delegates appointed by the legislative leaders to discuss, and IDOR to agree, with other states to simplify state and local sales tax administration, including approving software for use by retailers in all agreeing states (S.B. 164, Rauschenberger et al.—Hoeft-B.F.Currie-Slone-Black).

Telecom Taxes. A new act, prompted by a 2000 federal law, requires taxes on mobile telecommunications services to be generally collected and paid to the jurisdiction of the customer's primary use of the service, regardless of the places where the service is used. The act takes effect August 1, 2002 (H.B. 843, Granberg-J.Lyons-Biggins-Durkin—Rauschenberger).

Miscellaneous. Bingo. The management and operation of bingo games is no longer restricted to members of a sponsoring organization or its auxiliary (S.B. 174, Weaver-Philip—Hoffman).

Cigarettes. Possessing unstamped cigarette packages will bring a penalty of \$10 per package and be a Class A misdemeanor (Class 4 felony if repeated or more than 100 are possessed). Beginning January 1, 2003,

cigarette taxes must be paid electronically to IDOR (S.B. 856, Peterson-Clayborne—Moore).

Collecting taxes. Starting October 2002, a taxpayer with annual liability of at least \$200,000 (with some qualifications) must make all payments to the IDOR by electronic funds transfer. IDOR can offset refunds due to Illinois taxpayers against tax liability to the IRS and vice versa. IDOR can similarly cooperate with other states that will offset taxpayers' Illinois tax liability against those taxpayers' refunds there. IDOR can also agree to have Illinois state's attorneys sue taxpayers for giving IDOR bad checks to pay their taxes (S.B. 1176, Peterson-Clayborne—Moore).

Deadbeat disclosure. IDOR can disclose names of delinquent taxpayers owing over \$1,000 (was \$10,000) (S.B. 60, Watson—Holbrook).

Unsuccessful Bill

S.B. 22 (Rauschenberger-Woolard—Currie-Mendoza) would let school districts subject to the property tax extension limitation law impose property taxes of up to 0.15% (elementary or high school) or 0.30% (unit) to finance bonds for fire prevention and safety projects requiring building repair or reconstruction, subject only to backdoor (disapproval) referenda. It passed the Senate 34-18 but, after changes to other provisions in the House, was re-referred to the House Rules Committee. □

Charles L. Minert
Senior Research Associate

Social Services

The General Assembly voted to require "indicated" reports of abuse of a child to go to the child's school; prohibit hiring by mental health providers of persons on the nurse aide registry for patient abuse or neglect; seek federal funding for breast and cervical cancer treatment of medically uninsured women; require a new State Disbursement Unit for child support to be chosen by competitive bidding by July 2003; and publicize names of persons owing large amounts of child support.



Breast or Cervical Cancer Treatment. The state will seek federal approval under a 2000 federal law to offer medicaid coverage to medically uninsured women under 65 who have been screened and need treatment for breast or cervical cancer (H.B. 25, Feigenholtz-Garrett-Crotty-May-Coulson et al.—Parker-Obama-Geo-Karis-Sullivan-Trotter).

Child Abuse. School records. Any report from DCFS' Child Protective Service Unit "indicating" abuse of a student must go into that student's temporary school record (H.B. 3055, Fowler-Forby-Giles-Black-Boland et al.—Woolard-Luechtefeld-Munoz-Dudycz-L.Madigan).

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Social Services

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Update to reporters. Mandated reporters of suspected child abuse and neglect can get information on findings and actions taken to insure the child's safety. Extended family members interviewed in child abuse and neglected cases can get such information on request (S.B. 839, Luechtefeld—Bost-Klingler-Black-Fowler-Forby).

Child Safety. A new Child Death Review Teams Executive Council will coordinate and oversee activities of the state's nine child death review teams to help prevent child injuries and deaths (S.B. 373, Munoz-Ronen-Lightford-Woolard-Clayborne et al.—Mendoza-Lang-Acevedo-Younger-McGuire).

Child Support. *Deadbeat list.* Starting July 2002, DPA can publicize up to 200 persons owing over \$5,000 in back child support, if no payment arrangements are made or a hearing or review requested after 60 days' written notice (S.B. 950, Lauzen—Schmitz-Bassi-Bellock-E.Lyons).

Delinquent penalty. As of January 2002, 9% annual interest will accrue on support owed on a new or modified child support order delinquent at least 30 days (S.B. 993, Philip-Dillard—Hultgren-Mathias-Franks).

State disbursement unit. The Department of Public Aid (DPA) by July 2003 must contract with a public or private entity by competitive bidding to operate its State Disbursement Unit. The contract must contain numerous requirements stated in this new law (S.B. 163, Syverson—Moore-M.Davis).

Day Care and Disabled Children. Owners or operators of licensed day-care homes and centers, and of group

day-care homes, must take basic training prescribed by DCFS on caring for children with disabilities (S.B. 1081, Clayborne—Yarbrough-Younger-Mathias-Howard-Hamos).

Early Intervention. The Department of Human Services (DHS) must post on a new Internet site several kinds of information on early intervention programs. Payment for such services by private insurers must be sought. DHS must train providers in all aspects of early intervention services (S.B. 461, Rauschenberger-Ronen-Lightford-Parker—Feigenholtz-Garrett-Crotty-Fowler-Forby).

Institutionalization Prevention. DHS and the Department on Aging may jointly create a program to fund modifications and assistive technology to help older persons and persons with disabilities live at home as long as possible. The program may offer grants and/or loans for this purpose (S.B. 816, Sullivan-Geo-Karis et al.—Coulson-Cowlshaw-Scott-O'Brien-Crotty).

Medicaid Vendor Cutoff. DPA can bar participation in Illinois medicaid by a vendor that has been terminated from a similar medicaid program of another state, or convicted of felony fraud or willful misrepresentation in such a program or in Medicare (S.B. 882, Mahar—Durkin).

Medical Trust Fund. A Medical Special Purposes Trust Fund is created to receive grants and donations to help DPA administer medical programs (S.B. 884, Mahar—Bellock).

Mentally Ill Prisoners. *After release.* DHS is to establish three pilot programs for mental health services to releasees from jails and pretrial detention facilities (S.B. 434, Parker-Trotter-T.Walsh-Shadid-Obama et al.—Lindner-Younger).

Before release. The Department of Corrections must set standards and procedures for care and services to the mentally ill or developmentally disabled in jails and juvenile detention centers. It must inspect each place annually; report on noncompliance to the sheriff and county board; and make results available to the public. After 6 months it may ask a court to order compliance. A task force will propose standards for mental health services and suicide prevention in such places. Before acting on task force recommendations, the Department must hold a public hearing. Recommendations must also go to the General Assembly by January 15, 2002 (S.B. 435, Parker-Trotter-T.Walsh-Lightford-Shadid et al.—Lindner).

Nurse Aide Registry. A DHS-licensed mental health or developmental disabilities agency or facility must not hire anyone listed on the Illinois Department of Public Health (IDPH) nurse aide registry for patient abuse or neglect. The DHS Inspector General's office must report each person substantiated as committing abuse or egregious neglect to IDPH's nurse aide registry after an opportunity to contest the report. If a finding of abuse or neglect is overturned, the report must be removed from the registry. Information reported to the registry must be publicly available (S.B. 1504, Syverson—Bellock-Bassi-E.Lyons).

Nursing Home Tipoffs. IDPH employees who intentionally prenotify a nursing home of an IDPH visit commit a Class A misdemeanor (H.B. 313, Holbrook-Ryan-S.Jones-Hoffman-S.Davis et al.—Obama-L.Walsh-Bowles-Margaret Smith-Halvorson). □

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State Government & Pensions



The General Assembly voted to improve disaster preparations; offer better pensions for state employees in hazardous work; ensure that deceased veterans and Governors get military funeral honors; and name an official state soil.

Disaster Planning. The Illinois Emergency Management Agency (IEMA) will work with the Department of Nuclear Safety to create a response plan for any nuclear accident. IEMA must issue requirements for local disaster exercises, and approve plans for such exercises. Local disaster planning committees will advise local authorities on developing emergency plans. With IEMA approval, multiple-county disaster agencies may be created. The Governor's powers to take

private property for state uses during disasters are expanded slightly (S.B. 860, Myers—Poe).

Elections. *Election workers* paid less than \$1,000 per year will not be under unemployment insurance starting next year (S.B. 969, Burzynski—Holbrook-Hoffman).

Petition circulators need not be registered voters, but must be at least 18 and U.S. citizens (S.B. 1109, Dillard—Hannig-Boland-Giles).

Military Funerals. An article added to the state's Military Code provides, subject to appropriation, for Army and Air National Guard members to be ordered to serve at veterans' and Illinois Governors' funerals if federal honors are not provided (S.B. 876, Noland-Lauzen-L. Walsh—B.Mitchell-Sommer-McAuliffe-Holbrook-Stephens).

Pension Increases. *Chicago policemen.* Minimum duty disability pensions are increased; the reduction of such benefits for outside employment is eliminated; and some other provisions liberalized (H.B. 266, M.Madigan-Daniels-Capparelli-Bradley-Acevedo et al.—Radogno-O'Malley).

Maintenance workers on state highways are put under the higher "alternative" pension formula (H.B. 267, Poe-B.Mitchell-J.Curry-Klingler-O'Connor et al.—R.Madigan-Noland-Sullivan-Myers-Bomke).

Security employees. Retirement formulas for Department of Corrections or Department of Human Services (DHS) security employees, and other employees under the State Employees' Retirement System (SERS) working in hazardous positions, are increased to flat amounts of 2.5% of final average compensation per year for those covered by Social Security, and 3% per year for noncovered employees; their contributions will also rise over the next three years. DHS security employees under the Teachers' Retirement System could transfer their membership and credits early this summer to SERS; such employees hired after June 28 are under SERS (H.B. 250, M.Madigan-Mautino-Bost-G.Mitchell-Reitz et al.—R.Madigan-Luechtefeld-Hawkinson-Donahue-Myers).

Teachers. A year of age and a year of service credit are added to retired Chicago teachers who took the 1993 early retirement window, along with some other pension improvements (H.B. 2157, Crotty-Murphy-Wojcik-Bradley et al.—O'Malley-DeLeo-Shaw).

State Soil. "Drummer silty clay loam" is designated the official state soil of Illinois (H.B. 605, Dart-McCarthy-Forby-J.Curry-Ryan et al.—Noland-E.Jones-O'Daniel). □

Transportation



Bills passed by both houses impose severe penalties on drivers (especially of commercial vehicles) who violate railroad crossing prohibitions; impose fines on persons transporting children up to age 16 if not in safety harnesses or seat belts; restrict the purposes for which the Secretary of State can release personal information on drivers; legalize one-ear cell phone devices; and require experiments to improve railroad crossing safety.

Airport Car Rental Fee. A public airport can impose a fee on car renters to fund a central car rental area. The charge must be disclosed to customers (H.B. 2602, M.Madigan-B.F.Currie-Hoffman-Hassert—Rauschenberger-Shadid-Donahue).

ATVs. All-terrain vehicles and off-road motorcycles, if bought after 1997, are added to the Vehicle Code’s definition of “vehicle” (S.B. 1294, O’Malley—Black-J.Jones), **vetoed**.

Cell Phone Earpieces and headsets, for one ear only, are exempted from the prohibition on using a headset receiver when driving (H.B. 10, Bugielski-Cowlshaw-Capparelli-Parke-Hoffman et al.—Lauzen-Parker-Cullerton).

Children in Seat Belts. A person transporting a child who is at least 4 but less than 16 (was 6) must secure the child in a restraint system or seat belt (S.B. 98, Cullerton et al.—Hoffman-Schmitz). The penalty for violating that requirement is raised from \$25 to \$50 (\$100 for a repeat offense) (S.B. 403, Halvorson et al.—O’Brien-J.Curry).

Disability Plates. An existing provision allowing family members of a person with disabilities, who relies on them for transportation, to get disability plates for two vehicles is limited to parents or guardians of a person with a disability, for only one vehicle. Police can seize fake disability plates or decals (H.B. 846, Brosnahan-Bellock-E.Lyons-McCarthy-Kosel et al.—Parker).

Donated Vehicles. If a subsection 501(c)(3) charitable organization is given a motor vehicle, it need not send the certificate of title to the Secretary of State for a new certificate, but can reassign title to the person to whom it sells or gives it (S.B. 74, Watson—Holbrook Hultgren-Reitz-Hoffman), **vetoed**.

Drive-Away Fuel Theft. Driving away without paying for fuel can incur a minimum \$250 fine or 30 hours’ community service; a second violation a 6-month license suspension; and a third violation a 1-year suspension (S.B. 1514, Dudycz—Bugielski-Ryan-Mathias-Black), **vetoed**.

Driver Licensing. *Different license for minors.* The Secretary of State is to make licenses of persons under 19 different from those for 19- and 20-year-olds (H.B. 2254, Ryan-Fritchey-Saviano-J.Lyons-Mathias—Sullivan), **vetoed**.

Draft registration becomes mandatory for a male citizen or immigrant aged 18 to 26 to be licensed. Information from such applicants will be forwarded to the Selective Service System (S.B. 290, Munoz—Acevedo-McAuliffe-Mendoza-Osterman).

Minor in serious accident. A state’s attorney must notify the Secretary of State of charges filed against a person under 18 due to an accident causing death or serious injury. The Secretary can deny a regular license to that driver (H.B. 2161, Klingler-Stephens-Bost-Parke-Leitch et al.—Demuzio-Watson-Bomke).

Night-driving aids. A special license lasting 12 months can be issued to a person who uses vision aid devices other than regular eyeglasses or contact lenses to enable night driving (H.B. 3065, Crotty-Saviano-B.Mitchell-Poe-J.Turner et al.—Peterson).

Privacy of records. The Secretary of State may disclose personal identifying information on drivers and vehicle owners for only limited purposes—most of which involve either government activities or legitimate business

needs such as finding owners of towed vehicles. Rediscovery of the information, unless needed to further the purposes for which it was originally disclosed, is prohibited (S.B. 610, Parker—S.Davis-Brosnahan-McCarthy-J.Lyons-McGuire).

Suspensions. The provision allowing the Secretary of State to require a driver who is under 18 and whose license was suspended to take a remedial driving course is expanded to any driver whose license was suspended before turning 18. Out-of-state DUI offenses will count in determining which drivers with suspended licenses must pay \$250 for reinstatement (H.B. 1041, Bradley-Hoffman-Holbrook-Reitz—Shadid).

Firefighter Vehicles. A volunteer firefighter's vehicle can use flashing white headlights and blue grill lights, but only on emergency calls (H.B. 161, Hannig-J.Jones-Holbrook-Moffitt-Mike Smith et al.—Demuzio).

Juvenile Drivers. The circuit clerks of DuPage, Kendall, and Sangamon Counties, in 2002 and 2003, must notify registered owners of vehicles in which minors receive traffic citations. The Department of State Police will report to the General Assembly on this experiment (S.B. 627, Philip—Daniels-Wait-Cross).

License Plates. Army combat veteran plates can be issued to qualified applicants (S.B. 1024, Demuzio—Hannig-S.Davis).

Marine Corps plates can be issued to qualified applicants; the additional fees will provide scholarships to children of Marines (S.B. 267, Philip—G.Mitchell-Bost-Cross-Hartke-Fowler).

Purple Heart plates can be issued for motorcycles (S.B. 1099, W.Jones—Righter-Kosel-Crotty-Berns-Holbrook).

Motorcycle Seizure. A motorcycle seized for suspected stolen parts must be returned in essentially the same condition within 45 days unless a criminal charge or other legal action has begun (S.B. 1098, W.Jones—Brunsvold-Reitz-J.Jones-Fowler).

911 Outage Costs. Anyone who negligently damages communication lines used by an emergency phone system (including damage due to a traffic accident), disrupting emergency telephone service, can be required to pay the public safety agency's costs of answering calls and operating the system during the outage (S.B. 1017, Karpel—Pankau).

Railroad Crossings. Enforcement test. The Illinois Commerce Commission (ICC) and Metra, without using state funds, can do a 2-year study of automated enforcement at a railroad crossing in DuPage County (H.B. 123, Bellock-E.Lyons-Persico-Hultgren-O'Connor et al.—Dillard).

Stationary warning sounds. The ICC must study stationary, automatic, audible warning devices at Cook, DuPage, Lake, and Will County crossings in lieu of warnings sounded by trains (H.B. 579, O'Connor-Mathias-Hoffman et al.—Parker).

Violations. A driver of a commercial vehicle convicted of a railroad grade crossing violation can be assessed a civil penalty up to \$10,000, and must be barred from driving for 60 days to 1 year depending on the severity and

number of offenses. All drivers are prohibited from entering a railroad crossing without enough space to cross without stopping (S.B. 826, Klemm—Bost-O'Connor).

Snowmobiles designed for use by small children as toys, if on private property, are exempted from the prohibition on operation by persons under 10. Minor changes are made in provisions on regular snowmobiles (S.B. 448, Sieben-Klemm-Geo-Karis—Brunsvold-Kurtz-Osmond).



Utilities Relocation. County highway departments (in addition to state highway authorities as under current law) can require the owners of utilities that use highway rights of way to move them in advance of highway projects. These highway departments are encouraged to coordinate and plan such activities (S.B. 699, Dillard—Hoffman). □

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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.

FIRST READING

A publication of the Legislative Research Unit

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Economic and Fiscal Commission

State employees' group insurance cost for FY 2002

The Department of Central Management Services projected that this program would cost the state \$1.177 billion in FY 2002 (up 10% from FY 2001); IEFC projected \$1,202 billion (up 12%). The percentage of enrollees choosing managed care has barely risen for 3 years and is now 54%. In part because the indemnity plans (medical, dental, etc.) tend to attract less healthy people, their average total cost per person in FY 2001 was an estimated \$3,691, far above the \$1,977 in HMO plans. (25 ILCS 155/4(b)(2); March 2001, 15 pp.)

Educational Facilities Authority

Annual report, FY 2000

The Authority accepted applications from 14 institutions for \$380 million of financial aid (generally loans).

Largest amounts went to University of Chicago, \$150 million; Art Institute of Chicago, \$94 million; an entity for use of DePaul University, \$70 million; Field Museum of Natural History, \$30 million; and Illinois Masonic Medical Center, \$25 million. Includes financial statements (unaudited). (110 ILCS 1015/8; undated, rec'd May 2001, 13 pp. + financial statements).

Public Aid Dept.

Annual report, FY 2000

DPA spent \$4.9 billion (not counting funding to the Cook County and U of I Hospitals) for medicaid for about 1.5 million people. Enrollment of children and pregnant women in KidCare grew 167% from the preceding year, to 104,600. DPA encouraged establishment of "supportive living facilities" (three so far) to care for frail elderly persons who do not need full nursing care. About 58,000 persons in 786 Illinois nursing homes were supported by medicaid. (305 ILCS 5/5-5 and 5/5-5.5; undated, rec'd May 2001, 58 pp.)



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