

## Major Bills Passed by the Illinois General Assembly

This issue of *First Reading* summarizes bills as they passed both houses of the General Assembly, and reports the Governor’s actions on them. A total of 640 bills passed both houses in the spring 2011 session. This issue summarizes 288 bills of general interest, classified into 13 categories.

Major bills that passed both houses seek to improve teacher evaluation, discipline, and dismissal; make significant reforms in workers’ compensation; increase sanctions for violent or sex crimes, especially by medical personnel; and add protections against identity theft.

Other bills will increase fees on nuclear power plant owners to help improve monitoring of their plants; promote the building and operation of “clean energy” plants; trim some state benefit programs and offer Health Savings Accounts to state employees to save state funds; and create a commission to study and recommend ways to consolidate local governments. Legislators also voted to commemorate the 150th anniversary of the Civil War between 2011 and 2015.

Page 34 of this issue gives Public Act numbers for laws resulting from bills summarized here. Information on all bills of the 2011 session is available at the Illinois General Assembly’s Website:

[www.ilga.gov](http://www.ilga.gov)

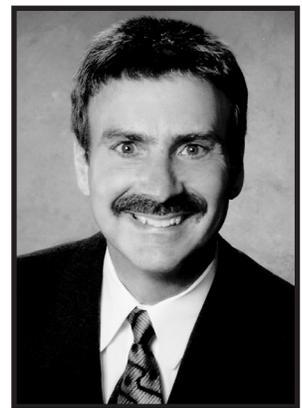
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# Appropriations & State Budget

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**The state's operating budget for fiscal year 2012 is \$60.0 billion—\$6.5 billion over last year's \$53.5 billion (primarily due to including pension payments this fiscal year). Appropriations from the General Funds grew 13.0%, from \$25.8 billion to \$29.2 billion.**

Three House resolutions provided a structure for the FY 2012 budget: H. Res. 110 projected FY 2012 revenues from state sources at \$33.2 billion; H. Res. 156 allocated percentages of available funds to five House committees for FY 2012 appropriations; and H. Res. 158 requires that any revenues exceeding the projection be used first to reduce the backlog of unpaid bills. Senate Joint Resolution 29 projected revenues at \$34.3 billion, but it has not been considered by the House.

The state's operating budget for FY 2012 was passed in 18 bills. The Governor put item vetoes on two appropriations for Regional Superintendents and four items that were appropriated in multiple bills or sections; he also put reduction vetoes on two items, reducing total appropriations by about \$713 million.

As partially vetoed, the General Funds budget includes about \$4.2 billion for pension payments, \$2.1 billion for debt service, and \$1.4 billion for group insurance. Appropriations from all funds for those purposes totaled about \$11.7 billion.

The agencies getting the largest dollar increases are Revenue (\$449.6 million, 37.6%); Transportation (\$187.8 million, 7.4%); Aging (\$104.5 million, 14.6%); and the Gaming Board (\$23.8 million, 17.3%).

The Department of Revenue's increase is for additional State Lottery prizes, and added appropriations for Lottery contracts that formerly were not appropriated (the companies were paid based on sales) but will now be funded through the contract with the Lottery's

private manager. General Funds appropriations for Revenue's operations declined in FY 2012. The Transportation increase was not due to any one large item, but rather increases in many appropriations for operations and grants. The Aging increase is due to natural growth of enrollment in the Community Care Program, which provides community-based services for senior citizens. The Gaming Board increase is mainly for distribution of casino revenues to local governments and additional employees to oversee the Des Plaines casino (opened July 2011) and video gaming.

The agencies with the largest dollar reductions are Healthcare and Family Services (-\$1,259 million, -8.1%); State Board of Education (-\$935.7 million, -8.4%); Human Services (-\$773.5 million, -12.4%); and Commerce and Economic Opportunity (-\$430.3 million, -17.9%).

The HFS decrease is due primarily to decreased funds for Medicaid and the Governor's veto of appropriations for hospital payments. In FY 2011, Medicaid spending was increased to take advantage of higher federal reimbursement rates that ended on July 1. Including state employee group insurance, the FY 2012 HFS budget is up \$2.7 billion, primarily because appropriations were shifted from the Department of Central Management Services to HFS during budget negotiations. The decrease for the State Board of Education is due mostly to discontinued federal stimulus funds; a \$152 million cut in General State Aid; and a decline in funds to transport students. The Human Services reduction is from decreased funds for Medicaid payments for home and community-based services (increased in FY 2011 due to a higher federal match

rate) and the reduction in Put Illinois to Work funds. The DCEO decrease is due mainly to discontinued stimulus funds for workforce development and energy assistance.

Elementary and secondary education gets \$1.2 billion (10.8%) more from all funds—primarily due to pension contributions for the Teachers' Retirement System. Local education's share of the total budget slipped from 21.5% to 21.2% but its share of General Funds rose from 28.4% to 31.6%. The Foundation Level per student will remain at \$6,119 in 2011-12.

State college and university appropriations from all funds rose \$858 million (31.8%) to \$3.6 billion, due to a \$912 million increase to the State Universities Retirement System. The percentage of the total state budget going to higher education expanded from 5.0% to 5.9%; its percentage of General Funds grew from 8.4% to 10.1%.

Total appropriations for operations were \$7.3 billion higher than the Governor's budget recommendation (which, however, excluded pension contributions); General Funds appropriations for operations were \$2.3 billion (8.6%) over his recommendations.

The General Assembly also passed bills to extend the lapse period for paying FY 2011 bills through the end of December 2011, and use \$365 million from the General Revenue Fund to pay Medicaid bills in June 2011 at the increased federal match percentage. Legislators also reappropriated funds for capital projects. □

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**Budget**

(Key: \* item-vetoed † reduction-vetoed)

- P.A. 97-54, enacted by H.B. 116 (Madigan-Currie-Cross et al. — Steans-Schoenberg-Martinez-Trotter-J.Sullivan et al.).
- P.A. 97-55, enacted by H.B. 117 (Madigan-Currie-Cross et al. — Steans-J.Sullivan-Forby-Koehler-Frerichs et al.).\*
- P.A. 97-56, enacted by H.B. 123 (Madigan-Currie-Crespo-Riley — Kotowski).\*
- P.A. 97-57, enacted by H.B. 124 (Madigan-Currie-Crespo-Riley — Kotowski-Noland).
- P.A. 97-58, enacted by H.B. 132 (Madigan-Currie-Cross et al. — Steans).\*
- P.A. 97-59, enacted by H.B. 326 (W.Davis-Eddy-Hernandez — Kotowski).
- P.A. 97-60, enacted by H.B. 327 (Madigan-W.Davis — Kotowski).\*†
- P.A. 97-61, enacted by H.B. 2107 (Madigan-W.Davis-Sente — Steans).
- P.A. 97-62, enacted by H.B. 2109 (Crespo-Cole-Riley — Kotowski).
- P.A. 97-63, enacted by H.B. 2165 (Madigan-Arroyo — Steans).
- P.A. 97-64, enacted by H.B. 2167 (Arroyo-Reis-G.Harris — Steans-Kotowski).
- P.A. 97-65, enacted by H.B. 2168 (Madigan-Arroyo — Steans-Koehler).
- P.A. 97-67, enacted by H.B. 3639 (Madigan-W.Davis-Cross et al. — Steans-Schoenberg-Trotter-J.Sullivan-Forby et al.).
- P.A. 97-68, enacted by H.B. 3697 (Madigan-Crespo-Cross et al. — Steans-Schoenberg-Trotter-J.Sullivan-Forby et al.).
- P.A. 97-69, enacted by H.B. 3700 (Madigan-Dunkin — Kotowski).
- P.A. 97-70, enacted by H.B. 3717 (Madigan-Feigenholtz — Steans).†
- P.A. 97-53, enacted by S.B. 2405 (Steans-J.Sullivan — Madigan).
- P.A. 97-76, enacted by S.B. 2414 (Cullerton-J.Sullivan-Althoff-Kotowski — Currie-Arroyo et al.).

**Capital Re-appropriations**

- P.A. 97-76, enacted by S.B. 2414 (Cullerton-J.Sullivan-Althoff-Kotowski — Currie-Arroyo et al.).

**Budget Implementation**

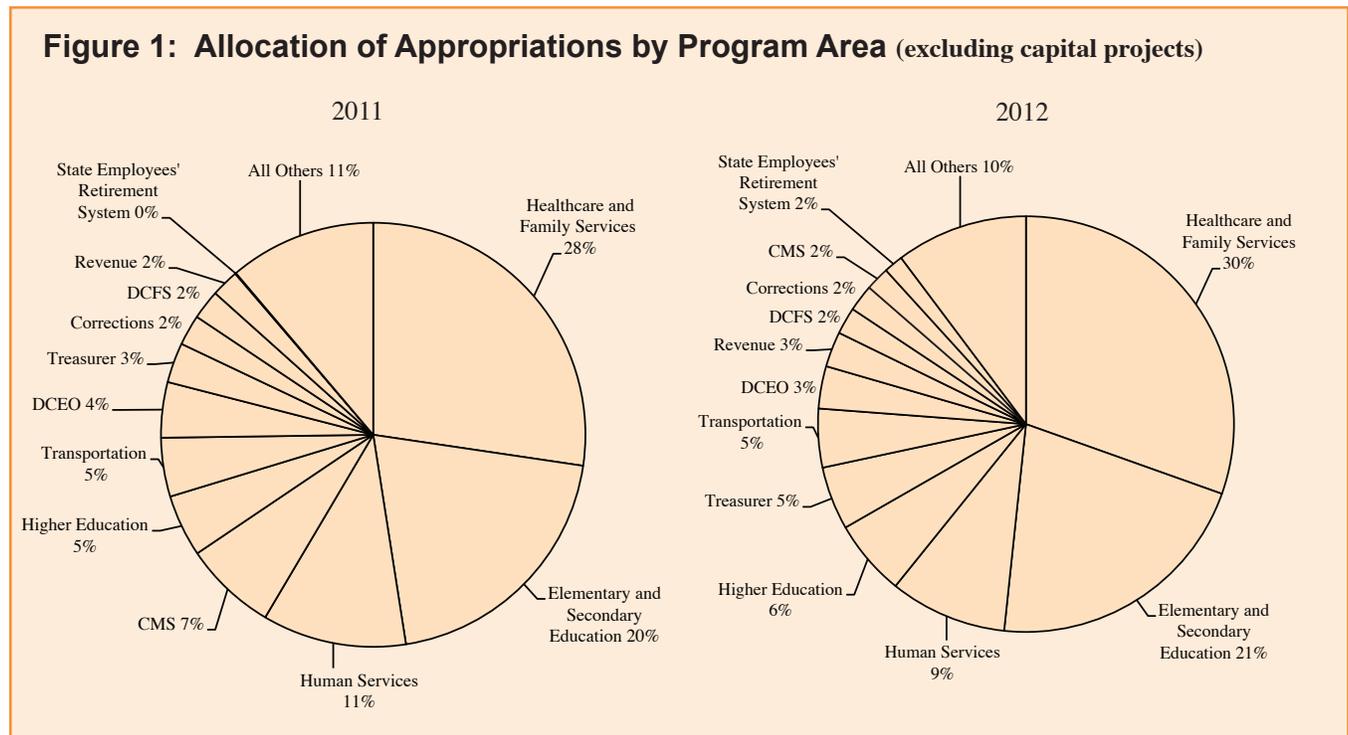
- P.A. 97-72, enacted by S.B. 335 (Steans — Madigan-Currie).

**Medicaid Maximization**

- P.A. 97-44, enacted by S.B. 1633 (Schoenberg-Lauzen-Koehler-Holmes-Hunter et al. — Bradley-Currie).

**FY 2011 Extension of Lapse Period**

- P.A. 97-75, enacted by S.B. 2172 (Cullerton — Madigan-Currie).



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# Business & Economic Development

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*The General Assembly voted to promote the development of coal gasification and carbon dioxide sequestration plants; make major changes to reduce the costs of workers' compensation to businesses; and provide additional help to small businesses. Other bills that passed both houses will increase protection of homeowners against construction repair fraud, and greatly expand the services that currency exchanges can provide.*

**Alcoholic Beverages—Craft Producers.** *Beer.* A new craft brewer license may be issued to a licensed brewer or nonresident dealer that brews up to 465,000 gallons of beer per year. A “self-distribution exemption” will be offered to craft brewers, allowing each to sell up to 232,500 gallons per year to retail licensees. A provision allowing a licensed brewer to sell beer to drinkers, and to retailers if the brewer has a distributor’s license, is removed. A brewer may still sell and distribute to distributors, and may sell on its brewery premises under a retailer’s license, as now allowed. A brew pub licensee may also hold a craft brewer license if the licensed premises are separate. With Liquor Control Commission approval, a brew pub may transfer up to 50,000 gallons per year of beer made on its licensed premises to other brew pubs substantially owned and operated by the same licensee, for sale there (S.B. 754, Trotter-Luechtefeld-Muñoz—Mautino-D.Harris-Lang-Leitch-Unes et al.).

*Spirits.* The amount of spirits that a licensed craft distiller may make per year is tripled to 15,000 gallons (S.B. 665, Steans—G.Harris-Berrios).

**Alternative Energy.** *Coal-to-gas plants.* Markets are to be promoted for two planned substitute natural gas (SNG) plants—on Chicago’s South Side and in southern Illinois. The Chicago plant is intended to use high-sulfur coal for at least 50% of its raw material, but may use as little as 35% (with the remainder petroleum-derived) if needed to reduce consumer costs for

its gas. The downstate plant is to use high-sulfur coal for at least 90% of its raw material. The plants are also to capture and store at least 85% of carbon dioxide produced during gasification at the Chicago plant, and 90% at the downstate plant. Illinois gas utilities serving over 150,000 customers must either (1) contract with the Chicago plant for 30 years’ supply, and with the downstate plant for 10 years’ supply, or (2) file rate proceedings with the Illinois Commerce Commission (ICC) in 2012, 2014, and 2016 as if requesting rate increases (giving the ICC opportunities to assess their rates). The plants’ output is to be allocated among utilities contracting for it; no single utility need buy over 42% of either plant’s output.

If a plant owner and a gas utility disagree on a draft contract to buy SNG, the Illinois Power Agency (IPA) is to name an independent mediator for them. If mediation fails, the IPA is to decide on a “reasonable and equitable” contract. Owners of both plants must set aside funds to help reduce the costs to users if SNG charges exceed prices of actual natural gas. The ICC, Capital Development Board, and Illinois EPA will have oversight and permitting duties for the plants (S.B. 1533, Trotter-Jacobs-Millner-Noland—Colvin-Nekritz-Bradley-Bost-Reitz et al. and S.B. 2169, Clayborne et al.—Reitz-Holbrook-E.Sullivan-Cavaletto-Colvin et al.).

*FutureGen; Illinois Power Agency.* The FutureGen Alliance will have ownership and liabilities of its project to pump carbon dioxide from a power



plant underground during its operations phase plus 10 years; they will then be transferred to the state. The Alliance must get at least \$25 million of liability insurance, if available at a “reasonable” cost, and pay \$50 million initially and further amounts annually into a state fund to cover any liabilities. The state promises to indemnify the project for qualified losses beyond \$100 million if not otherwise covered.

Effective in January 2014, the Executive Ethics Commission will name the Director of the Illinois Power Agency, subject to Senate confirmation. The Agency (now a Civil Administrative Code department) is to become independent but subject to oversight by the Executive Ethics Commission. Communications with the Agency about power procurement must be disclosed to the Procurement Policy Board created by the Illinois Procurement Code (S.B. 2062, J.Sullivan et al.—Bradley-Watson, **Amendatorily vetoed.**) (The Governor thought the Executive Ethics Commission should not oversee the Illinois Power Agency.)

**Currency Exchange Powers.** Effective next January 1, currency exchanges can provide these new services to clients: obtain certificates and permits; sell bond cards; process vehicle registration renewals, title transfers, local vehicle licenses, and other services; issue third-party debit, credit,

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and stored-value cards; provide ATM service; sell currency and rolled coins; exchange foreign currency using a third party; sell public transit tokens; offer mailboxes and telephones; sell phone cards and postage; and transmit money through third-party transmitters. An exchange seeking to add other new services must get Department of Financial and Professional Regulation approval. An exchange may offer income tax preparation through a licensed tax service, but cannot make tax-anticipation loans. Community currency exchanges' license fees will double by 2014, and bond requirements per exchange will rise by 150%. The Department may fine an exchange up to \$1,000 per violation (now \$100 a day). It also may order an exchange to stop violating the law; the exchange has a right to a hearing (H.B. 159, M.Davis—J.Collins-Trotter).

**Disadvantaged Business Promotion.** The Comptroller must create an online database identifying state contracts awarded to businesses owned by minorities, women, and people with disabilities, and small businesses, including the percentage of all state contracts made with those businesses. The Comptroller must also notify those businesses of contracting opportunities, and educate them about state procurement. The Comptroller is to report annually to the Governor and General Assembly on award amounts and outreach efforts. Any recipient of a state contract (of most types) for at least \$1,000 will have \$15 deducted to fund this program (S.B. 269, Hutchinson-Althoff-Raoul-J.Collins—Colvin-Berrios-Eddy-Reboletti-Mayfield et al.).

**Home Repair Safeguards.** A home repair or remodeling contractor may not promise to rebate a customer's insurance deductible, or take money from an out-of-area contractor for allowing use of its business name or license. Contractors may not serve as

public adjusters (who act on behalf of an insured in preparing and adjusting a property claim). A customer may cancel a contract with a contractor for 30 business days after providing proof of loss to the insurer (unless the insurer rejects the claim sooner, in which case the customer has 5 business days to cancel). After cancellation, a contractor must refund all payments, unless agreed in writing for repairing harm from a natural catastrophe. These cancellation rights must be stated in the consumer rights pamphlet on home repair already required (H.B. 3034, Williams-Holbrook-Rita-E.Sullivan-Nekritz et al.—Wilhelmi-Althoff-Holmes-Noland et al.).

**Pipeline Approvals.** Before deciding whether to authorize a common-carrier pipeline, the Illinois Commerce Commission must hear any evidence from state or local governments on economic effects and how it will affect energy security and reliability, in addition to factors already in the law. To allow route flexibility, an application for pipeline approval may show a swath of land up to 500 feet wide in which the pipeline would be located; an approved applicant may later apply for "minor route deviations." The Commission must decide on an application within 1 year unless it declares a 6-month extension due to the complexity of the issues. It may also offer an expedited approval process (H.B. 1703, Reitz-Verschoore-Holbrook-Winters—Clayborne).

**Rebates Disclosure.** Anyone offering a rebate on merchandise must display and clearly disclose the type of rebate offered; whether additional fees may apply; and the form of payment to be provided (H.B. 3406, Colvin—Hutchinson-Trotter et al.).

**Small Business Aid.** *Grants.* If money is appropriated, the Department of Commerce and Economic Opportunity (DCEO) can make grants from a new

Small Business Development Grant Fund to Illinois small businesses that will use the funds to create jobs; to small businesses that commit to move to Illinois; and for individual projects to create up to 100 jobs. Priority will go to businesses that (1) are owned by women, minorities, or people with disabilities; (2) pledge not to pay any of the grant funds as extra compensation to executives; and/or (3) primarily provide renewable energy (H.B. 2073, Lang-Ford-Colvin-May-Franks et al.—Silverstein).

*Set-asides.* A new Small Business Contracts Act sets a goal for at least 10% of the value of each state agency's contracts to go to small businesses as defined in the Illinois Procurement Code. Each official or agency must propose to its chief procurement officer an annual compliance plan to meet the goal, and file semiannual progress reports. Each chief procurement officer must file annual progress reports covering the 3 last fiscal years (H.B. 3186, Ford-Sente-Flowers-Sacia-Mayfield et al.—Hunter-J.Collins-Trotter et al.).

**Small Utilities' Power Procurement.** Small multi-jurisdictional electric utilities that served fewer than 100,000 Illinois customers at the end of 2005 (formerly excluded from Illinois Power Agency supervision) can request electricity procurement plans for their Illinois loads and buy power by competitive processes. The process is to be the same as for large utilities: the Illinois Power Agency develops plans and procures the electricity, and the Commerce Commission oversees compliance (H.B. 1865, Verschoore—Jacobs).

**State Venture Capitalism.** The State Treasurer may put up to 2% of the investment portfolio held by the Treasurer in a separate fund to be invested, along with any private investments, through Illinois-connected venture

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## Business & Economic Development

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capital firms in Illinois technology businesses. Any investment fund of a firm receiving this money must invest at least twice the amount received from the Treasurer in Illinois businesses during that fund's life. Firms must report quarterly to the Treasurer on how the money was used. The Treasurer's investments in a venture capital firm's fund may not exceed 15% of all investments in that fund; nor may the Treasurer invest over one-third of the total funds available for such investment in any year, except to catch up after investing less than one third in the preceding year (S.B. 107, Kotowski-Holmes-Althoff-Noland-Frerichs et al. — Biss-Cross-Nekritz-Nybo-Ford et al.).

**Tax Credits.** *EDGE.* Economic Development for a Growing Economy (EDGE) credits may be applied against withholding taxes by businesses engaged in building cable TV systems or making wireless network devices (added to activities now allowed) if they meet current job creation and investment requirements. Those businesses, plus any listed in current law, may also get the credit if they meet a new requirement applying to young businesses that apply for the credit in the first 6 months of 2011; employ at least 2,500 people in Illinois; and commit to make at least \$500 million in investments in the state. A tiremaker may take the credit if it meets job creation and investment requirements specific to its industry. If a business does not meet job creation or investment requirements in the first 5 years, its EDGE tax credit agreement will end and it will get no credits for those 5 years. No new EDGE credits may be awarded after 2016. The River Edge Redevelopment Zone remediation tax credit is no longer exempt from sunset after 5 years

(S.B. 4, Forby-Jones-Kotowski — Bradley-Cavaletto-Reis-Reitz-Phelps et al.).

*Film production.* Income tax credits for film productions will end in 2021 unless the General Assembly extends them (5-year extension terms are suggested) (S.B. 398, Martinez-Garrett-Radogno-Lauzen et al. — Dunkin-Mell-G.Harris-Saviano et al.).

*Historic Preservation.* An income tax credit will be offered in 2012 through 2016 equal to 25% of qualified costs to restore and preserve a qualified historic structure in a River Edge Redevelopment Zone, if the costs are at least \$5,000 and over half the property's purchase price. A taxpayer must apply to DCEO for the credit; the Historic Preservation Agency will help determine whether the rehab qualifies, and the amount of any credit. DCEO is authorized to certify another pilot River Edge Redevelopment Zone in Peoria (S.B. 2168, Clayborne-Holmes-Noland-Koehler et al. — Gordon-Jefferson-Leitch-Chapa LaVia-Winters et al.).

**Tourism Promotion.** The Illinois hotel operators' tax distribution formula is changed by taking part of the amounts going to the Local Tourism Fund and International Tourism Fund and directing them to a new Chicago Travel Industry Promotion Fund to promote convention facilities. The share of Local Tourism Fund money going to Chicago tourism is reduced from one-third to 18%, and funding to Chicago from the International Tourism Fund is eliminated. At least \$1 million per year will go to promote international tourism in cities other than Chicago. Each year starting in 2012, \$5 million will go from the General Revenue Fund to Rosemont to attract conventions to the Stephens Convention Center.

The Metropolitan Pier and Exposition Authority, instead of being reimbursed by the state for incentives to attract conventions, would fund the incentives

from appropriations to the Metropolitan Pier and Exposition Authority Incentive Fund. The Comptroller could ask the Auditor General to audit how the incentives were disbursed (in lieu of auditing by the Department of Commerce and Economic Opportunity), and reduce future transfers to the Fund by any amount found to be disbursed in violation of the law. Amounts transferred to the Fund from the General Revenue Fund would be changed, but still subject to a \$15 million annual limit (S.B. 1918, Trotter-Dillard-Crotty et al. — Currie-Saviano-McAuliffe-Mulligan, **Vetoed**).

**Unemployment Assistance.** The Governor is directed to appoint a Coordinator to administer the Illinois Emergency Employment Development Program and contract with local employment administrators, who will place unemployed persons in state-subsidized jobs with private employers, giving priority to the long-term unemployed with no earned income. A \$10 million annual limit on program appropriations is deleted. State pay subsidies are indexed to the minimum wage and must be matched by employers. Small firms and energy conservation businesses are added to those getting priority for funds. A business must repay 70% of state funds received for an employee who works less than 6 months after the subsidy period, unless the employee is fired for good cause and the employer trains another eligible employee; bonuses if employees stay at least 6 months for unsubsidized work are ended. An employer may not displace current or laid-off workers to hire applicants under the program. A 21st Century Workforce Development Fund Advisory Committee is created to oversee the program (H.B. 2927, Mathias-Lang-Mayfield-Hatcher-Ford et al. — Noland-Harmon).

**Unemployment Insurance.** A 0.5% fund-building tax that is part of employers' unemployment contribution

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rates does not apply in the first quarter of 2011. Instead, employers pay a 0.5% surcharge to a newly created Title XII Interest Fund, for paying interest on federal loans to Illinois' unemployment trust fund. No more than \$90 million can go to the Fund; any excess after paying interest goes to the state's unemployment trust fund. To make up the loss of revenue from the fund-building tax that would normally go to the trust fund, the wage base on which employers pay unemployment taxes rises, from \$12,740 per employee in 2011 to \$13,560 in 2012. That higher base will also apply in 2013 if the loss has not been repaid.

In 2012 (and 2013 if the wage base increase still applies), a claimant can get maximum yearly benefits of 25 (not 26) times regular weekly pay, plus dependents' allowances. Regarding benefits for unemployment starting after December 17, 2010, regulatory agencies are to consider unemployment rates in the last 3 years (2 years under current law) when deciding whether to activate the state's "on" indicator that triggers payment of extended unemployment benefits; that provision is to continue for as long as the federal government pays for all extended benefits (H.B. 1030, Madigan-E.Sullivan-Mautino—Link-J.Jones).

**Upper Illinois River District.** The Upper Illinois River Valley Development Authority's bond limit is doubled to \$500 million, and only outstanding bonds will count toward it. But bonds that it issues in the future will not be supported by a requirement that the Governor notify the General Assembly of expected shortfalls in repayment funds. The Authority's bonds and income from them will be free from state and local taxes, except estate, transfer, and inheritance taxes, if the Authority determines that the exemption makes them more marketable or allows it to pay lower interest on them (H.B. 1866, Mautino-Cross—Haine).

**Vehicle Dealer Closures Fund.** Each new or used vehicle dealer must pay an added annual licensing fee of \$500 for its main location plus \$50 per other location to support a newly created Dealer Recovery Trust Fund. The Fund will pay claims of buyers against dealers that close without fulfilling agreements to pay off customer liens on trade-ins, and claims by buyers and dealers that buy (from dealers that then close) vehicles having undisclosed liens. Claims will be heard by a Dealer Recovery Trust Fund Board consisting of the Secretary of State and Attorney General or their designees, and a dealer representative chosen by them. The fee will be suspended if the Fund exceeds \$3.5 million; the Board may charge up to \$50 extra per dealer per year if it falls below \$500,000. A dealer for whom a claim has been paid must reimburse the Fund before being relicensed (H.B. 880, Colvin-Berrios-Lilly-E.Sullivan-Williams et al.—Kotowski-J.Collins et al.).

**Workers' Compensation (I).** Major changes took effect upon enactment:

*Benefits.* To get compensation, employees must show by a preponderance of the evidence that they suffered accidental injury from employment. Physician reimbursement rates are lowered to 70% of existing workers' compensation fee schedule amounts, with annual inflation adjustments. Benefits for carpal tunnel injury are limited. An award based on the difference between an employee's earnings before and after an injury may continue only until the later of when the employee turns 67 or 5 years after the award is made. Criteria are stated for determining permanent partial disability, including use of American Medical Association guides. No compensation will be due if the claimant's intoxication caused the injury. A blood alcohol level of 0.08%, any evidence of drug impairment, or refusal of a drug

or alcohol test will raise a rebuttable presumption of intoxication.

*Medical services.* Employers may use a preferred provider network approved by the Department of Insurance (DOI) to care for injured employees. An employee's rejection of such a network uses up one of the choices of medical provider to which the employee is entitled.

DOI, instead of the Department of Financial and Professional Regulation (DFPR), is to oversee utilization review programs. If an employer denies or refuses to authorize payment for a medical service based on such a review, the employee has the burden of showing by a preponderance of evidence that a variance from the standards of care used by the reviewer is needed.

*Commissioners and arbitrators.* Current Workers' Compensation Advisory Board terms are ended; the Governor will appoint a new board with Senate confirmation. All current arbitrators' terms end after July 1, 2011. The Governor will appoint initial replacements, with Senate confirmation, to terms of 1, 2, or 3 years; when those terms expire, the Workers' Compensation Commission will fill them with 3-year appointments. Arbitrators must be licensed Illinois lawyers. The Commission must randomly assign at least three arbitrators to each hearing site; no arbitrator may hear cases in any county except Cook for more than 2 years of a 3-year term. Each Commissioner must get 20 hours of training every 2 years. Commissioners and arbitrators will be subject to the Canons of Judicial Conduct from the Illinois Supreme Court to the extent they apply. Gifts by lawyers appearing before the Commission for referring cases are restricted.

*Fraud.* Duties involving investigation of workers' compensation fraud are transferred from DFPR to DOI. By  
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# Civil Law

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**Legislators voted to provide additional protection against identity theft; add real estate to the kinds of property that can be put in “transfer on death” form; and make it easier for lessors to get law-breakers evicted from their premises.**

**Court Circuits.** Starting December 3, 2012, the 16th Judicial Circuit (now comprising DeKalb, Kane, and Kendall Counties) will contain only Kane County and have four subcircuits (now five). DeKalb and Kendall Counties will form a new 23rd Circuit, with a total of 6 resident judges (S.B. 63, Cullerton-Holmes-Noland—Cross-Fortner-Chapa LaVia-Hatcher-Schmitz).

**CPR Liability.** Persons trained in basic CPR under American Red Cross or American Heart Association standards, who give CPR in accordance with their training (formerly persons “currently certified” in basic CPR who comply with “generally recognized standards”) in emergencies without compensation, are exempted from liability for negligence (H.B. 1549, Tracy-Kay et al.—Wilhelmi et al.).

**“Disability” Expanded.** The definition of “disability” for purposes of the Human Rights Act’s article on public accommodations is expanded to include mental, psychological, or developmental disabilities, including autism-spectrum disorders (H.B. 3010, Biss-Mussman-Fortner-M.Davis-Jakobsson et al.—Schoenberg-Holmes-J.Collins).

**Divorce and Life Insurance.** Existing life insurance policies (of any kind) on payers of maintenance or child support are added to the list of assets that courts can allocate between parties to divorce. A divorce court may require an insured party to continue paying premiums on a policy and may assign the death benefits to any party; but

such premiums must be deducted from “net income” before setting child support (S.B. 1824, Murphy—Tracy).

**Eviction for Crime.** If any occupant uses or allows use of rented premises for a felony or Class A misdemeanor, the lessor may end the lease and evict. The lessor may assign to the municipality the right to bring suit to evict (S.B. 1766, Wilhelmi-Althoff—DeLuca-Reboletti-Mautino-Coladipietro et al.).

**Foreign Judgments.** The Uniform Foreign Money-Judgments Recognition Act is replaced with a Uniform Foreign-Country Money Judgments Recognition Act. It will not apply to judgments for taxes; fines or penalties; or domestic-relations matters; and a party seeking recognition of a foreign-country judgment will have the burden of showing that the Act covers it. The current grounds for nonrecognition of foreign judgments are continued, except the ground that the judgment was in a defamation case and the Illinois court does not find that the foreign jurisdiction provides as much protection of speech and press as the U.S. does. A limitation period for enforcing foreign judgments (the shorter of while it is effective in the foreign country or 15 years) is added (S.B. 1074, Wilhelmi—Mathias).

**Identity Theft.** Any entity disposing of materials connecting persons’ names to their Social Security, drivers’ license, or account numbers or passwords must securely shred, erase, or otherwise make them impractical to read; violation can bring a civil



penalty up to \$100 per affected person (up to \$50,000 per incident). A holder of data belonging, or licensed, to another entity must inform it of any data breach, and “cooperate” with it including helping it report the breach. Notice by a state agency to persons affected by a data breach may be delayed on written request of a law enforcement agency to shield an investigation (H.B. 3025, K.Burke-Riley-Connelly-Franks-Farnham et al.—Maloney et al.).

**Jurors. Disability exclusion.** A prospective juror who is unable to serve due to total and permanent disability must be permanently excluded from all jury lists (H.B. 1317, Crespo—Noland-Millner).

*Unemployment claimants* are added to the lists of people whose names will go into jury pools (H.B. 2066, Jakobsson—Frerichs).

**Powers of Attorney** that are for commercial purposes, or that authorize agents to take actions for their own benefit (such as powers granted to creditors, and voting proxies granted to corporate officers) are exempted from provisions in the Illinois Power of Attorney Act making an agent accountable for actions contrary to the principal’s interests (H.B. 1712, Beaubien-Osmond—Silverstein, **Amendatorily vetoed**).

*(continued on p. 9)*

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## Civil Law

(continued from p. 8)

**Security Deposits on Foreclosed Apartments.** If a mortgage on a property of at least five dwelling units is foreclosed, and the property is bought at a judicial sale, the former owner must transfer any security deposits and interest to the buyer, who will be liable to the tenants for them (H.B. 1574, Hernandez-Yarbrough-Ford-Flowers et al. — J. Collins).

**Torrens Act Repeal.** The Torrens Act on titles to land is to be repealed 23 years early, on January 1, 2014 (H.B. 1379, Lyons-Rita-Feigenholtz-Tryon-Durkin et al. — Trotter).

**“Transfer on Death” for Real Estate.** Owners of residences with 1-4 units; condominium or cooperative units; or farmsteads up to 40 acres can transfer them at death using “transfer on death” (TOD) documents that are witnessed, notarized, and recorded. A TOD document is nontestamentary

and has no legal effect during the donor’s life, but can be revoked only by another executed, witnessed, and recorded document. Property in TOD ownership passes outside the estate and so is not subject to a will. But beneficiaries will take it subject to any contract of sale that was not fully executed by the donor’s death (H.B. 1153, Bradley-Mathias-Bellock — Wilhelmi). □

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## Business & Economic Development

(continued from p. 7)

2012, DOI’s fraud unit must implement an advanced analytical system to detect and prevent fraud, waste, and abuse, and report on it annually. Its annual report on fraud proceedings must now also include the number of fraud allegations, their sources, how many were investigated, and numbers of criminal referrals. Most crimes involving workers’ compensation fraud are raised from Class 4 to Class 1, 2, or 3 felonies depending on the amount involved.

**Premiums.** Any workers’ compensation rate-setting advisory organization is to recalculate its advisory rates based on this new act. DOI is to report detailed data on the workers’

compensation insurance market in Illinois annually to the Governor and legislative leaders.

**State employee coverage.** A State Workers’ Compensation Program Advisory Board is created in the Department of Central Management Services (CMS). CMS may buy workers’ compensation coverage, or administration of self-insurance, from a third party under listed standards (H.B. 1698, Bradley-W.Davis-Sente-Farnham-Franks et al. — Raoul-Trotter et al.).

**Workers’ Compensation (II).** Accidental injuries to an employee from committing (1) a forcible felony, (2) aggravated DUI, or (3) reckless homicide, of which the employee is later convicted, will not be compensable if the employee’s conduct caused death or severe injury to another. An employee’s acquittal of such charges will

not create a presumption of eligibility for compensation. An employee is not entitled to added compensation for delay in paying benefits during criminal proceedings against the employee for those crimes (S.B. 1147, Haine-McCarter — Kay-Holbrook-Beiser-Nybo-B.Mitchell et al.).

**Workforce Information Online.** The Illinois Workforce Investment Board must send DCEO the following information annually, which must be posted within 30 days on the Department’s Website: the Board’s meeting agendas and minutes; line-item budgets for local workforce investment areas; and a list of all contracts for workforce development training and service providers and their amounts (S.B. 2123, Garrett — Biss-Farnham et al.). □

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# Criminal Law

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**Legislators voted to protect the confidentiality of victim impact statements to the Prisoner Review Board; increase penalties for high-cost financial crimes; impose higher fines to pay for cleanup of illegal drug labs; and increase penalties for child pornography. Other bills that passed both houses will strengthen prohibitions on identity theft, and expand the crime to include possessing equipment or software for committing theft.**

**Acid Attacks.** Possession of unspecified kinds of caustic or noxious substances that could be used in acid or other caustic attacks becomes a Class 4 felony. Exemptions apply to legitimate uses, including commercial and medical uses. Persons seeking to buy such substances must show identification and sign a log (H.B. 2193, D.Burke-Cunningham-Berrios-Reboletti et al.—Haine).

**Arrest Record Sealing.** Courts may seal even a felony arrest record (formerly not sealable) if there is no conviction, or any conviction is reversed or vacated (H.B. 298, Howard-Flowers-Colvin-Gabel et al.—Lightford-J.Collins-Hunter-T.Johnson-Raoul et al.).

**Assault.** *Juvenile detention staff.* Knowingly assaulting county juvenile detention center staff who directly supervise residents becomes aggravated assault (S.B. 1754, Mulroe—McAsey-Farnham).

*Probation banned.* Probation or conditional discharge will not be allowed for committing aggravated assault with a firearm by aiming it at a person whom the offender knows to be a police officer, community policing volunteer, private security officer, or firefighter performing official duties (H.B. 3390, Williams et al.—Mulroe-Muñoz-Dillard et al.).

**Battery.** *Aggravated battery,* if it involves torture and causes great bodily harm or permanent disability or disfigurement, is raised to a Class 1 felony

(H.B. 233, Cross-Reboletti-Watson—Holmes-Hutchinson-J.Collins).

*Process servers.* The list of persons against whom assault or battery becomes aggravated is expanded to include process servers performing their duties. Aggravated assault of a process server will be a Class 4 felony (S.B. 2004, Jacobs-Mulroe et al.—Mathias-Hatcher et al.).

**Child Abuse Reports.** Knowingly sending a false report of child abuse to the Department of Children and Family Services becomes a Class 4 felony (replacing lesser penalties, especially for a first offense) (S.B. 1950, Delgado-Trotter et al.—Soto-Hernandez-Acevedo-Yarbrough-Berrios et al.).

**Child Luring.** A person convicted of “luring” (which now gets a statutory definition) or attempting to lure a person under 16 into a vehicle or building for unlawful purposes must get a sex offender evaluation before sentencing. A repeat offense will be a Class 2 felony (S.B. 1038, J.Collins—Flowers-Thapedi).

**Child Pornography.** If the perpetrator makes any kind of motion picture (as opposed to still images), child pornography is raised from a Class 1 felony to a Class X felony. Telecommunications and Internet service providers are not liable for customers’ transmission or storage of child porn (H.B. 3283, Mathias-Kay-Morthland-D.Harris et al.—Dillard-Martinez-J.Collins).



**Complaints Against Police.** Any complaint against a police officer supported by a sworn affidavit, if found to contain any knowingly false information, is to be sent to the state’s attorney for possible prosecution (H.B. 1985, D’Amico-Sacia et al.—Haine et al.).

**Cyberstalking and Harassing Communications** through landline phones, cellphones, or pagers, by methods including e-mail, text messaging, instant messaging, and voicemail, are explicitly listed as prohibited kinds of communications (H.B. 2935, McAsey-Mathias-Colvin et al.—Hutchinson et al.).

**DNA Testing of Arrestees.** Any person required by court order to provide a DNA specimen; required to register as a sex offender, regardless of when convicted; or arrested for murder, home invasion, or criminal sexual assault after indictment or a probable cause finding, must submit a DNA specimen at a State Police collection site. If the charge is dismissed or the defendant acquitted, the specimen is to be destroyed and records of it expunged (H.B. 3238, Mendoza-Sacia-McAsey-Cunningham-Reboletti et al.—Raoul et al.).

**Driving Offenses.** *Fines imposed on lessees.* Drivers of leased cars will be assessed for violations caught by traffic cameras if the lessors of the cars provide information identifying them (H.B. 1593, Brauer et al.—Link).

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*Uninsured driving.* A person convicted of driving without insurance and causing bodily harm to others on three occasions must be fined \$2,500 in addition to any jail term. The third of three violations without bodily harm to others will bring a \$1,000 fine (H.B. 2267, Sommer et al.—LaHood).

**Drugs. Cleanup costs.** Persons convicted of Illinois Controlled Substances Act violations that need emergency response, including taking evidence and/or cleaning up a drugmaking site, must pay an extra \$750 (\$1,000 if a repeat offense) for the law enforcement agency(ies) making the arrest. Persons convicted of methamphetamine-related crimes that require emergency response will be assessed an extra \$2,500 (\$5,000 if a repeat offense) to go to the mitigating agency(ies). Also, restitution by methamphetamine offenders will go first to any agency responsible for mitigation, then to agencies providing emergency response (H.B. 1258, Farnham-Mussman et al.—Noland).

*New drugs scheduled.* MDPV, a hallucinogen often advertised as “bath salts,” and several cannabinoids are added as Schedule I controlled substances (H.B. 2089, Rosenthal-Bellock-Hammond-Senger-Phelps et al.—McCann-J.Collins-Haine et al.; a mostly separate group of drugs is listed in H.B. 3042, Pritchard-Bellock-Kay—J.Collins-Trotter-McCarter et al.). Several classes of drugs related to cannabis (sometimes known by the names “K2” and “Spice”) are added as Schedule I controlled substances (H.B. 2595, Reboletti-Cross—J.Collins-Holmes-McCarter).

**Drug Treatment Grants.** State’s attorneys can choose to make grants from their shares of proceeds of drug-crime forfeitures to drug-treatment facilities and halfway houses (H.B. 2048, Brown-Howard-Sacia-Rose et al.—Hunter-J.Collins-Trotter).

**DUI Testing. Mandate on police.** Police who have probable cause to believe that a person has been driving under the influence are directed (formerly only authorized) to ask the driver to take a chemical test or tests for DUI (H.B. 1241, Hernandez-Franks-Chapa LaVia—Martinez-Kotowski).

*Persons drawing blood.* Licensed physician assistants and advanced practice nurses are added to the list of people who can draw blood for DUI testing (H.B. 1702, Reitz—Luechtefeld).

**False Personation** is expanded to include knowingly and falsely representing oneself to be either (1) another specific person, and acting with intent to intimidate, threaten, injure, or defraud another; or (2) a representative of an actual person or organization, and acting to obtain a benefit or injure or defraud another. False personation can be committed either in person or by electronic communication methods, including a Website. Courts can infer false personation of public personnel if a person wears a uniform or badge by which a public official or employee is lawfully distinguished, or claims by word or act to be a public official or employee having official authority (S.B. 64, Silverstein et al.—Mathias-Farnham-Sacia et al.).

**Financial Crimes. Elderly or disabled exploitation.** The threshold of value taken for this crime to become a Class 1 felony is lowered from \$100,000 to \$50,000 (H.B. 1689, McAsey-Sente-May-Mell-Holbrook et al.—Hutchinson-Althoff-Hunter-Lightford-Crotty et al.).

*Large sums taken.* A financial crime costing over \$100,000—already a Class 1 felony—becomes non-probationable if it costs victims between \$500,000 and \$1 million. If it costs over \$1 million, it becomes a Class X felony (S.B. 1699, Millner—McAsey-Farnham).

**Firearms. Owner privacy.** Names and other personal information on Firearm Owner’s Identification (“FOID”) Card applicants and holders are protected from inspection and copying under the Freedom of Information Act (H.B. 3500, Morthland-Stephens-B.Mitchell-Brown-Rosenthal et al.—Dillard-Forby-Cultra-J.Jones-Luechtefeld et al.).

*Prohibitions.* Aggravated domestic battery is added to domestic battery as barring issuance of a FOID card; and either crime need not have been committed after 1997 as currently required. A judge issuing an order of protection is to bar the respondent from possessing a firearm during its term if the respondent has had an opportunity to be heard; the order protects an intimate partner or that partner’s child from violence; and the order includes a finding that the respondent is a credible threat to those persons, or explicitly prohibits the respondent from using force against them (H.B. 3365, K.Burke-Bellock—Martinez-J.Collins).

*Re-enactments.* Active members of nationally recognized military re-enacting groups are exempted from prohibitions on shortened firearms if they meet standards in this bill (H.B. 143, Reitz-Sacia-Holbrook-Verschoore-Bost et al.—Haine).

*Stolen.* Delivery is no longer a ground for conviction of possession of a stolen firearm; it is added to the crime of unlawful sale of firearms. Sentencing classes are mostly unchanged, but go as high as 6-60 years for delivering over 30 stolen firearms in 5 years (H.B. 3431, Reboletti-Bellock—Dillard).

**HIV Testing of Prisoners.** Before releasing any prisoner (not only those with known histories of IV drug use), the Department of Corrections or Department of Juvenile Justice must provide information on HIV and AIDS.

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## Criminal Law

(continued from p. 11)

Each Department, and the Cook County Health & Hospitals System, may do “opt-out” HIV testing of prisoners after posting signs in multiple languages saying that those who do not decline HIV testing may be tested (H.B. 1748, Lilly-Howard-Hernandez-Yarbrough-Jakobsson et al.—E.Jones-Hutchinson-J.Collins et al.).

**Identity Theft.** Possessing or transferring hardware and/or software for reading radio frequency identification (RFID) tags, with intent to commit a felony, becomes identity theft (S.B. 151, Bivins—Sacia-Moffitt et al.).

**Intimidation.** Intimidating a person reporting to police on a forcible felony is added to the list of elements converting intimidation into aggravated intimidation (S.B. 1739, Raoul et al.—Howard-Riley).

**Juvenile Commitments.** Before committing a minor to the Department of Juvenile Justice, a juvenile court must find that efforts have been made to avoid the need to remove the minor from home and that commitment is the least restrictive alternative. Factors the court must consider include the minor’s age, criminal and educational background, health, and services already provided and those available in the Department (H.B. 83, Yarbrough-Gabel et al.—A.Collins-Stears).

**Laser Aimed at Aircraft.** Intentionally or knowingly discharging a laser “or other device that creates visible light” into the cockpit of a moving aircraft is prohibited as a Class A misdemeanor, with exceptions for research studies (H.B. 167, Winters-Bost-Reboletti-Zalewski-Mulligan et al.—Kotowski).

**Metal Theft From Veterans’ Graves.** Businesses and metals dealers that buy metal from a veteran’s grave marker

can be fined up to \$1,000. Cemeteries are to notify police upon discovering the thefts (H.B. 3273, Bellock-Hatcher-Kosel-Tryon-Golar et al.—Dillard et al.).

**Methamphetamine Offenders** on parole or mandatory supervised release may not buy or possess products containing non-prescribed pseudoephedrine, or ammonium nitrate. The Department of Corrections will send the Department of State Police (to be available to other law enforcement agencies on request) notice of the release of such an offender (H.B. 1908, Bradley et al.—Haine-Dillard-Noland).

**Offender Registration.** *College campuses.* A sex offender who is a college student or employee must also register with the campus safety or security director in addition to the police or sheriff (H.B. 295, DeLuca-Lilly-Dunkin-Thapedi et al.—Maloney-Millner-E.Jones-Noland).

*Murder.* Starting next January 1, sexually motivated first-degree murder will require registration as a sex offender even if the victim was an adult. Any first-degree murder will require registration as a murderer or violent offender against youth—for life if the victim was under 18, or for 10 years if the victim was at least 18 (H.B. 263, Reboletti-Pihos-Hatcher-McCarthy-Schmitz et al.—Millner-Pankau).

*Sex offenders.* A person convicted of a sex crime before registration was first required for that crime must register as a sex offender if convicted of another felony after July 1, 2011. (However, this bill as passed will not take effect until January 2012). A person who was required to register for only 10 years, and fulfilled the requirement, must now register after conviction of another felony if the crime for which 10-year registration was required now brings a registration period exceeding 10 years. Persons who successfully petitioned for

termination of registration need not re-register (H.B. 1253, Mell et al.—Martinez et al.).

*Violent offenders against youth.* Registration is no longer required for some battery-type crimes committed against persons under age 18 between 1996 and July 26, 2000 (when those crimes were added to the Child Murderer and Violent Offender Against Youth Registration Act) if the offender was an adult, or between 1996 and July 26, 2010 if the offender was under 18. Persons committing those crimes against persons under 18 must register if they were adults and the crimes were committed since July 26, 2000, or they were minors and the crimes were committed since July 26, 2010. Adults committing domestic battery against a child after July 26, 2010, resulting in bodily harm, must register. Persons committing aggravated battery with a firearm, aggravated battery with a machine gun, or home invasion against a victim under 18 must register if the crime was committed after July 2001 (adult offender) or after July 2011 (juvenile offender) (S.B. 2270, Sandack et al.—Reboletti-Franks-Farnham-Sente-Chapa LaVia).

**Orders of Protection.** Department of Corrections investigative officers (added to law enforcement personnel and special process servers) can serve short-form notifications of orders of protection on respondents. A parolee must immediately notify a Department of Corrections agent upon being notified of an order of protection, civil no-contact order, or stalking no-contact order; compliance with such orders becomes a mandatory condition of parole (S.B. 1828, Kotowski—Sacia).

**Parolee Supervision Fund.** Any violation of the Criminal Code while on parole or mandatory supervised release will bring an extra \$25 fine, of which \$20 will go to a new Illinois

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Department of Corrections Parole Division Offender Supervision Fund to help in supervising paroled offenders (H.B. 176, Lyons—Mulroe).

**Police Dogs** for drug enforcement must get training under standards set by the Director of State Police and the Law Enforcement Standards Training Board. Police who stop a motorist, with or without issuing a traffic ticket or warning, must record whether a police dog sniffed the vehicle, whether it alerted to contraband, whether the officer searched the vehicle, and whether contraband was found (H.B. 1195, M.Davis-Ford-Flowers-A.Collins-Rita—Bivins).

**Service Member Re-employment.** Violation of a law requiring re-employment of employees who return from military duty is raised from a business offense to a Class A misdemeanor, and will get an employer's name on a Website of the Attorney General (H.B. 2095, Hammond-Rosenthal-Barickman-Senger-Kay et al.—Noland-T.Johnson et al.).

**Sex Crimes Against Minors.** In a criminal investigation of sex crimes against persons under 18, the Attorney General, a state's attorney, or a designee of either can issue a subpoena *duces tecum* requiring a provider of electronic communication services to identify and provide other information on a user of its services. A trial court can issue a 'gag order' prohibiting disclosure of the subpoena for up to 90 days. Providers ignoring subpoenas can be punished for contempt; those complying will be immune from civil liability. Prison sentences for child pornography must be consecutive to any other terms imposed (S.B. 1035, Hutchinson-J.Collins et al.—McAsey-Farnham-Zalewski et al.).

**Sex Trafficking Victims.** Motions to vacate prostitution convictions of sex trafficking victims can be filed at

any time after conviction (but with due diligence considering the victim's safety). Evidence supporting such motions can include federal or state court records; certified records from federal immigration proceedings; or sworn statements by attorneys, clergy, or medical professionals (S.B. 1037, Hutchinson-J.Collins-Noland-Martinez et al.—Yarbrough-Burns-Williams-Hernandez et al.).

**Stalking. Sex offender.** Stalking becomes aggravated stalking if the stalker is or was required to register as a sex offender, and stalks the victim of the crime that required registration or a family member of the victim (H.B. 277, Cunningham-Dugan-Yarbrough-Dunkin et al.—Mulroe-Hutchinson-Jacobs-J.Collins et al.).

**Vicarious liability.** A person who directs another to commit stalking, aggravated stalking, or cyberstalking will thereby commit the crime also (S.B. 2267, E.Jones-Hutchinson-Trotter-Crotty et al.—Mayfield-Sacia).

**Theft Crimes.** Many Criminal Code provisions on theft-type crimes are reorganized. The few substantive changes include: (1) Theft of lost or mislaid property is raised from a petty offense to a Class B or A misdemeanor or Class 4 felony depending on the value involved; and (2) mutilation or vandalism (but not theft) of library materials is removed as a crime (S.B. 1228, Dillard-Cullerton—Reboletti-Mathias-Durkin-Howard et al.).

**Trespassing.** Authorized process servers are exempted from prosecution for criminal trespass (S.B. 1554, Haine—Mathias-Sacia).

**Victim Impact Statements.** The Prisoner Review Board is prohibited from releasing to a prisoner (or to anyone else) information presented by a victim or relative of the victim in opposition to the prisoner's parole, unless the

information provider waives this protection (S.B. 1471, T.Johnson—Acevedo-Connelly-Reboletti-Coladipietro-Chapa LaVia et al.). The people who may give testimony in parole hearings are expanded to include victims' relatives and friends, and concerned citizens. Statements they make orally (added to written statements) will not be subject to the Freedom of Information Act (H.B. 1928, Mendoza-McAsey-Ramey—Haine).

**Re-opened cases.** A law enforcement agency that re-opens a closed case is to notify the victim, unless the state's attorney decides that doing so would inhibit the investigation (S.B. 1043, Link—Mathias-Mayfield).

**Traffic violations.** Impact statements can be presented before sentencing for traffic violations that caused great bodily harm or death (H.B. 3300, McAsey-Cross-Reboletti et al.—Wilhelmi).

**Victims' Assistance Fund.** The crimes for which an extra \$4 per \$40 of fine is added to support the Violent Crime Victim Assistance Fund are expanded to include driving at least 31 m.p.h. over the speed limit, and speeding in a construction, maintenance, or park zone (H.B. 1112, Mathias-Mayfield-Bellock—Holmes).

**Weapon Possession by Felons.** Imprisonment becomes mandatory for this crime (S.B. 1589, Muñoz-Kotowski-J.Collins-Martinez—Zalewski-Howard-Reboletti). □

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# Education

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**Legislators voted for significant changes in teacher evaluation, discipline, and dismissal procedures. They also voted to create a new state body to approve proposed charter schools; promote college attendance by low-income and first-generation students; and help keep dangerous persons out of jobs affecting school students, such as driving school buses. State budget recommendations for public colleges and universities are to be based on their records of graduating their enrollees; and state colleges and universities will be encouraged to promote entrepreneurship and “green” technologies.**

## Elementary and Secondary

**Alternative Education After Expulsion.** Students expelled or suspended for over 20 days can be immediately transferred to alternative programs, unless that would endanger students or employees (H.B. 2086, M.Davis-Soto-Flowers-Lilly-Chapa LaVia et al. — Lightford).

**Bullying.** Schools may expel students for gross disobedience or misconduct “perpetuated by electronic means,” and may suspend or expel students for explicitly threatening other students or school personnel on Websites accessible to people in the school (H.B. 3281, Mathias-Pihos-Senger-D.Harris-Cavaletto et al. — E.Jones).

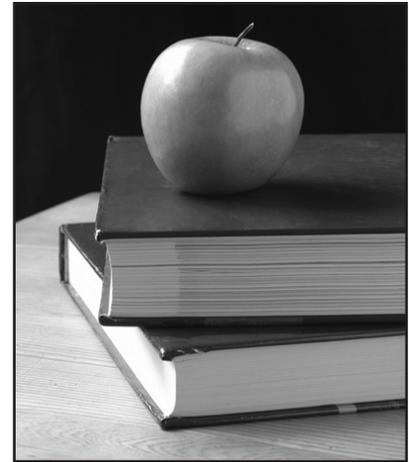
**Buses and Drivers. Drug & alcohol testing.** If a holder of a school bus driver permit is required to allow “reasonable suspicion” testing for alcohol or drugs, and it shows any alcohol or illegal drug in the driver’s body, the driver’s employer must report the results to the Secretary of State. Refusal to be tested, or a test result showing any alcohol or illegal drug in a driver, will result in a 3-year suspension of the driver’s permit (H.B. 147, Dugan-Sente-Mell-Gordon et al. — Hutchinson et al.).

**Miscellaneous.** All companies contracting with schools to transport students or teachers must have liability insurance of at least \$1 million (was \$25,000) per person and \$5 million (was \$100,000) per accident. A person

who has received court supervision for any of various traffic offenses may not get a school bus driver permit. Companies using vehicles that carry 10 or fewer people (including taxis) to carry students or teachers must meet driver, operation, and safety requirements applying to school buses (S.B. 1669, Holmes-Millner-Righter — Williams-D’Amico-Reboletti-Sente-Kosel et al.).

**Charter Schools. Chicago.** At least five of the charter schools allowed in Chicago are to be limited to students from low-performing or overcrowded schools (as defined in this bill). The five Chicago charter schools allowed for dropouts from high school may also enroll students considered likely to drop out (H.B. 190, Eddy-Bellock-Kay-Senger-Arroyo et al. — Righter-Meeks-Martinez-Lightford-J.Collins et al., **Amendatorily vetoed**).

**Governance.** A new State Charter School Commission will be appointed by the State Board of Education from gubernatorial nominees. The Commission (in place of the State Board) will review denied charter school applications, and can authorize charter schools anywhere in Illinois. The Commission and all districts with charter schools must have policies to ensure quality, and must send detailed information on their charter schools every 2 years to the State Board, which must then report to the General Assembly. The State Board can revoke charters, and remove a district’s authority to authorize charter schools for failing to promote quality. It also still must certify that a charter



application is consistent with state law (S.B. 79, Steans-Martinez-E.Jones et al. — Yarbrough-J.Mitchell-Sosnowski-Gordon et al.).

**Chicago School Buildings’ Use.** The Chicago school district must create and publish the following: standards for the best use of school space (by the end of 2011); annual evaluations under those standards; 10-year facility master plans (every 5 years); assessments of capital needs at each school (every 2 years); annual capital spending reports; and an annual list of all property it owns or leases. Except in an emergency, or to relieve school crowding, each school closing, consolidation, boundary change, or phaseout must be announced by December of the year before it is to occur; one public hearing, and at least two public hearings or meetings, must be held on it; and the district must provide a transition plan for students to be affected. The Chicago Facilities Task Force created in 2009 must meet annually to review compliance with these requirements and report to various governmental authorities (S.B. 620, Martinez-Noland-Hunter-J.Collins et al. — Soto-Golar-Saviano-Pritchard-Eddy et al. and S.B. 630, Hunter-Martinez et al. — Madigan-Currie-Soto-Cross-Chapa LaVia et al.).

**College Preparations.** The Illinois Student Assistance Commission must have a program to encourage enrollment of low-income and first-generation college students, and to help them prepare for college. To participate, a student must

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enroll in the program in 8th grade and meet some requirements during high school (H.B. 1710, Pritchard-Soto-Flowers-Sacia-Jakobsson et al. — Maloney-Holmes et al.).

**Concussions.** Each school board must adopt an athlete concussion policy consistent with the Illinois High School Association’s policies. The Association is directed to make available concussion education materials, which districts must use for coaches, athletes, and parents. Park districts also may distribute materials on concussion (H.B. 200, Cross-Franks-Lang-M.Davis-Eddy et al. — Raoul-B.Brady-J.Collins-Trotter et al.).

**Consolidating Districts.** A School District Realignment and Consolidation Commission, chaired by the Lieutenant Governor and consisting mostly of education representatives and legislators, must make recommendations by July 1, 2012 on the state’s number of school districts, optimal enrollment per district, and where consolidation would be beneficial (H.B. 1216, Chapa LaVia-Sente-Dunkin-Yarbrough-Lilly et al. — Koehler-Holmes et al.).

**Drivers’ Education Fees.** After a public hearing, a school district can charge up to \$250 (now \$50) for drivers’ education, but must waive the “increased fee” for those unable to pay (S.B. 1643, J.Sullivan — Pihos).

**Employee Background Checks.** Any school district that has information from a background check in the latest year on an employee of a company contracting with it must provide that information to any school, school district, community college district, or private school requesting it (H.B. 1240, Franks-Pihos-Bellock et al. — Garrett).

**Epinephrine Injectors.** A school district or nonpublic school may authorize a school nurse to provide and/or administer an epinephrine auto-injector to a student who has a prescription on file — or to administer one to any student if

the nurse reasonably thinks the student is having an anaphylactic reaction. Schools may keep auto-injectors for use if a student does not have one. Schools and nurses will not be liable except for willful and wanton conduct (H.B. 3294, Nybo-D’Amico-Kay-Bellock et al. — Schoenberg-Trotter-Lightford-Raoul-Hunter et al.).

**Financial Oversight of Schools.** A new kind of Financial Oversight Panel for schools in financial trouble is authorized; no new Financial Oversight Panels under current law, or School Finance Authorities (SFAs), will be allowed. The new Panels will have all the powers of current ones plus some powers that SFAs have. If a district’s financial reports show a deficit (changed from if its budget is not balanced), it must submit a deficit reduction plan (S.B. 2149, J.Sullivan — Eddy).

**Math and Science Schools.** Four or more school districts forming a contiguous area and at least partly in the same municipality, along with a college or university in that municipality, may establish a math and science “partnership school” for any or all grades from kindergarten to 8th (S.B. 621, Holmes — Chapa LaVia-Cross-Senger-Hatcher-Schmitz et al.).

**School Years.** *Partial days.* Districts no longer may count partial days at the start and end of a school year as full days in figuring average daily attendance (S.B. 1744, Luechtefeld — Reitz-Yarbrough-Verschoore, **Amendatorily vetoed**).

*Year-round schools.* If any of 23 named Chicagoland schools stay on academic watch for 2 years, and federal funds are available for this purpose, the State Board of Education can allow the school board, at the end of its then-current union contract, to start a pilot full-year school plan containing at least 215 school days (H.B. 1415, T.Jones-Chapa LaVia — Meeks).

**Sharing Services.** Regional superintendents can supervise joint operational (added to educational) programs among school districts. Districts and regional superintendents must file annual reports summarizing shared service activities (S.B. 2134, Garrett — Eddy-Roth-Chapa LaVia-Pritchard-Farnham et al.).

**Teachers.** *Evaluations and strikes.* Performance and qualifications must be the primary criteria in districts’ decisions on tenure and assignments; seniority may be considered only after merit-based criteria. The State Superintendent may discipline a teacher for two “unsatisfactory” evaluations in 7 years (no standard was stated before). Non-Chicago schools must use several merit-based criteria to fill positions and lay off and recall teachers (already required for Chicago schools), but districts may consider additional qualifications. Dismissal processes for tenured teachers are changed. Hearing officers must be trained by the State Board or in an approved program, and school boards will make final decisions on conduct-related dismissals, subject only to possible court review. Non-Chicago districts will also have final authority on performance-related dismissals if their boards choose to use an alternative procedure consistent with the Performance Evaluation Reform Act of 2010 and other requirements are met.

Requirements for negotiations with unions are changed. Mediation for non-Chicago schools can be requested 90 days before the school year and can be required 45 days before (formerly 45 days and 15 days), and Chicago schools can negotiate on the lengths of school days and the school year. For non-Chicago schools, either party can declare an impasse after 14 days; each final offer must be sent to the State Board within 7 days and published 7 days later; and unions may strike 14 days after the offers are published. For Chicago schools, either party can

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# Environment & Conservation

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*The General Assembly voted to raise fees on nuclear power plants and use part of the proceeds to buy equipment for monitoring them remotely; expand and strengthen a 2008 law that promotes recycling of electronic equipment; and create a specific crime of criminal damage to a public water supply. Other bills that passed both houses provide for transporting carbon dioxide from “clean energy” power plants, and using recycled roof shingles in asphalt pavement.*

**Air Pollution.** Greenhouse gases are added to the Environmental Protection Act’s definition of “regulated air pollutant,” but with little immediate effect except that applicants for permits under the federal Clean Air Act must submit information on all regulated air pollutants they emit. However, “major” sources of greenhouse gases will be required to seek Clean Air Act permits if any action at the federal level prevents the U.S. EPA from regulating greenhouse gases. Fees for sites permitted to emit regulated air pollutants will rise in 2012 by 17.5% or 19.4% (greenhouse gases will not count for this purpose). A “smaller” air polluter (annually emitting less than 5 tons of ordinary pollutants, 1,000 pounds of hazardous pollutants, and 100 pounds each of lead and mercury) will not need a permit, but must register with the EPA and pay a \$235 annual fee. A permit applicant may request expedited application review with payment of an extra fee four times the fee for the permit (up to \$100,000). The EPA must offer information and other help to permit applicants on its Internet site (H.B. 1297, Reitz-Hatcher-Holbrook-Verschoore et al.—Clayborne-Althoff-Hutchinson et al.).

**Carbon Dioxide Pipelines.** Any proposal to lay a pipeline for transporting carbon dioxide must have approval from the Illinois Commerce Commission after a hearing. The proposal must include the proposed route, which must be disclosed to governments affected; notice must be published in a newspaper in each affected county. An approved pipeline builder may use eminent domain to condemn easement rights in land along the route

(S.B. 1821, J.Sullivan-Clayborne-Haine—Holbrook-Mautino-Bost-Reitz-Chapa LaVia).

**Dumping** over 250 cubic feet of waste illegally is raised from a Class A misdemeanor to a Class 4 felony. Illegal dumping of over 50 waste tires also becomes a Class 4 felony. The penalty for either action becomes \$25,000 (H.B. 2001, Williams-Jackson-Mathias-Dunkin-Sente et al.—Millner).

**Electric Automobiles.** The Governor will appoint a state Electric Vehicle Coordinator in the Department of Commerce and Economic Opportunity, who will chair an Electric Vehicle Advisory Council—also including four legislators, four state agency directors, and 10 persons appointed by the Governor—to study and recommend to the General Assembly by the end of 2011 ways to promote and aid use of all-electric and plug-in hybrid vehicles (H.B. 2902, Williams-May-Biss-Turner-Rita et al.—Garrett).

**Electronics Recycling.** The definition of “covered electronic device” under the Electronic Products Recycling and Reuse Act (2008) is expanded by adding 13 kinds of devices including VCRs, videogame consoles, and various kinds of audio or video receivers, among others. Sending such devices, or devices already covered by the Act, to a landfill or incinerator becomes illegal next January 1. In 2012, each electronics manufacturer is to reuse or recycle an amount of such devices equal to at least 40% of the total weight of them that it sold 2 years earlier, rising to 50% in 2013. Starting in



2014, if the total weight of a manufacturer’s reused or recycled materials is less than 70% of its goal, it must pay a penalty of 70¢ per pound on the full difference between its goal and what it reused or recycled. The Illinois EPA may punish violations of the Act by administrative citation, appealable to the Pollution Control Board. The maximum civil penalty under the Act is raised from \$1,000 to \$7,000 (S.B. 2106, Garrett-J.Collins-Silverstein-Noland-Kotowski et al.—Biss-Sente-W.Davis-Jakobsson-Mautino et al.).

**Environmental Justice.** A Commission on Environmental Justice will assess whether all segments of society are equally bearing the burdens of environmental pollution, and report annually to the Governor and General Assembly (S.B. 2193, Hutchinson-J.Collins-Martinez et al.—W.Davis-Sente-Lilly-Colvin-Soto et al.).

**Environment—Miscellaneous.** New crimes of criminal damage, and aggravated criminal damage, to a public water supply are created as Class 4 and 2 felonies respectively. The state will no longer participate in the Uniform State Hazardous Materials Transportation Registration and Permit Program. State agencies are no longer mandated to assess and report to the Illinois EPA on environmental problems caused by their current and proposed facilities (S.B. 100, Haine—Holbrook).

**Farmers’ Markets.** A Farmers’ Market Task Force will study issues raised by farmers’ markets; recommend to the Illinois Department of Public

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Health regulations to govern them; and report annually to the General Assembly (S.B. 1852, Luechtefeld-Althoff-Sandoval-J.Collins-Hutchinson et al.—Bost-Watson-Hays-Verschoore-Arroyo et al.).

**Hunting.** “No Trespassing” symbols. As an alternative to “No trespassing” signs, a landowner (except in Cook County) may put a vertical purple mark, at least 8 inches high and with its base 3-5 feet off the ground, every 100 or fewer feet on trees or posts, or a purple “cap or mark” at least 2 inches high on the tops of posts every 36 or fewer feet, around the posted area. Through 2012, such an owner must also provide oral, posted, or other written notice (as is now required) that entry is forbidden; that requirement will end January 1, 2013. The Departments of Agriculture and Natural Resources are to inform the public of this change (S.B. 1914, J.Sullivan-Noland—Reitz-Yarbrough-Verschoore-Phelps).

**Road kill.** A fur-bearing mammal found dead along a road may be taken during its open season by a person having the proper license, stamp, or permit (H.B. 3178, Hammond—J.Jones-Bomke-Holmes, **Vetoed**).

**Veterans.** Resident veterans who were mobilized by the President and/or served overseas will pay half the regular fees for fishing, hunting, and sportsmen’s combination licenses (H.B. 3274, Rosenthal-Barickman-Cavaletto-Hatcher-Verschoore et al.—McCann et al.).

**Wild animals.** Some families of wild birds are added to those that are not protected by the Wildlife Code. The Department of Natural Resources may limit or prohibit the import or release of invasive or exotic wild animals, or other wildlife, whether or not protected by the Code (S.B. 2190, Hutchinson—Dugan-DeLuca-Verschoore).

**Medicine Disposal.** *Containers.* Any municipal city hall or police station

may have a container for opened, expired, or unwanted drugs. It must be locked and secured, and allow only deposits—not withdrawals—by the public (H.B. 3090, Arroyo-Osmond-Berrios-D’Amico-Soto et al.—Delgado-Pankau-Hunter-Cultra-Garrett et al.).

**Incineration.** Law enforcement agencies may collect unneeded medicines from residential sources and take them for incineration to sites having permits under the Environmental Protection Act for such incineration. A \$20 penalty is added for convictions of drug crimes; \$18 of it will go to the Criminal Justice Information Authority for grants to support local pharmaceutical collection and incineration programs (H.B. 2056, Osmond-Pihos-Sommer-Tracy-Hammond et al.—Schmidt-Cultra-Koehler-Althoff-Silverstein).

**Nuclear Plant Safety.** Fees imposed on nuclear power plants are increased about 8% to \$1.9 million per reactor per year. Plant owners must pay other fees totaling about \$327,000 per reactor to fund upgrades of remote monitoring equipment and software (H.B. 1723, Holbrook-Sacia—Koehler).

**Renewable Energy.** Voters in an area within any county, by petition and referendum, may create a renewable energy production district, to be governed by five trustees appointed by the county board. Such a district can build and operate (or contract with other entities to build and operate) a renewable energy facility and sell its energy. Any proceeds must go to the county (H.B. 1487, Hays-Bost-Eddy-Crespo-Phelps et al.—Frerichs et al.).

**Shingle Recycling.** Asphalt roofing shingles taken to facilities processing construction and demolition debris for recycling will count twice toward an existing recycling requirement for such debris. The Department of Transportation must have goals of maximizing recycled shingle use in asphalt highways (consistent with federal laws and low life-cycle costs), and reducing its

carbon footprint and costs by using recycled materials generally. It must report annually to the Transportation Committee of each house on its success in meeting the second goal (H.B. 1326, Beiser-May et al.—Koehler et al.).

**Sludge Application to Farms.** Applicants of sludge (typically from wastewater treatment plants or power-plant air pollution control equipment) to a farm must notify its owners, adjacent owners, and township (if any) and county officials in writing between 90 and 7 days before applying it. It may not be applied within 100 feet of a home. Anyone may receive a chemical analysis of the sludge for 5 years after its application (H.B. 806, Mautino-Roth-Pritchard—Rezin).

**Vehicle Sharing.** Through FY 2013, the Illinois EPA may make grants for up to 25% of the cost for organizations to buy new electric cars to be shared among their members. Each such organization may make one grant proposal to the EPA per year; grants will be based on the overall level of environmental benefits from proposed projects. Vehicles must stay in service with the Illinois grantee for at least 5 years; if a vehicle is sold, the grantee must repay a prorated part of its grants (H.B. 2903, Williams-Currie-Fortner-Winters et al.—Steans et al.).

**Wind Energy in Lake Michigan.** The Department of Natural Resources (DNR) is to study options for wind energy in Lake Michigan, and report to the Governor and General Assembly by June 30, 2012. A Lake Michigan Offshore Wind Energy Advisory Council will make recommendations to DNR while it is preparing that report (H.B. 1558, Gabel-Sente-May-Williams-Mell et al.—Schoenberg-Trotter). □

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# Health & Safety

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*Legislators voted to promote use of immunization to protect children and others against infectious diseases; strengthen protection of children against lead poisoning; and mandate broader coverage for mental health treatment and clinical trial participants. The state will create a Health Benefits Exchange, and state employees will be offered Health Savings Accounts to save on medical care. Movable soccer goals bought in the future must be tip-resistant; and employees of licensed child-care facilities must be trained every 3 years on sudden infant death and safe-sleep recommendations.*

**Abuse Victims' Medical Coverage.** An existing section prohibiting life, health, disability income, and property-casualty insurers from denying or restricting coverage because a customer is or has been a victim of abuse (as defined in that section) becomes applicable to group health insurers, HMOs, and voluntary health service plans (H.B. 3358, Burke-M.Davis et al.—Maloney).

**Autoimmune Diseases Therapy.** Health benefits for state employees and dependents must cover physical and occupational therapy for autoimmune diseases (S.B. 1557, Haine—Madigan-Golar).

**Cancer Drug Parity.** Every health insurer covering prescription oral, intravenous, or injected cancer drugs must have deductibles, copayments, etc. and treatment limits for the oral cancer drugs no more restrictive than those for intravenous or injected cancer drugs (H.B. 1825, Williams-Bellock-Rose-Hernandez-W.Davis et al.—Steans-Hunter-Koehler-Garrett-Muñoz et al.).

**Clinical Trials and Health Insurance.** Group medical insurance may not exclude coverage for routine patient care of an insured participating in a clinical cancer trial if such care is covered for insureds not enrolled in a trial. A clinical cancer trial meeting criteria in the Insurance Code may not pay or refuse to pay for routine patient care of a participant based on whether the participant has medical insurance for such routine care (H.B. 1191, G.Harris-Flowers-Currie-Lang-Berrios et al.—Steans-E.Jones-Koehler-J.Collins).

**Diabetes Self-Management** training under group medical insurance must include education to help patients maintain an A1c (long-term blood glucose) level within the range set by nationally recognized standards of care (H.B. 2249, Osmond-Tryon-Durkin-Soto-Hernandez et al.—Haine).

**Drug Company Reports.** The Illinois Department of Public Health (IDPH) must post on its Website yearly, starting in September 2013, reports from the U.S. Department of Health and Human Services on makers of drugs and medical devices, and group buying organizations for those products, that may show economic interests adverse to those of patients and payers for medical services (H.B. 103, Franks-Sente—Garrett).

**Electronic Record Funding.** Federal funds to the Department of Healthcare and Family Services to encourage use of certified electronic health records will go to a new Electronic Health Record Incentive Fund to be disbursed to medical providers for that purpose (H.B. 1425, Currie-G.Harris-Osterman et al.—Trotter-J.Collins-Hunter-Delgado).

**Epilepsy Drugs.** A pharmacist dispensing a generic equivalent for a branded anti-epileptic drug must notify the patient in writing by the time of dispensing (S.B. 670, Kotowski-Crotty—Nekritz-Morthland).

**Farmers' Market Foods.** Processed foods such as canned or baked products that were prepared in home kitchens,



and meet several standards making them unlikely to be hazardous to health, may be sold in farmers' markets without state or local regulation, subject to the following: (1) If IDPH or a local health department has information indicating that a health hazard exists, it can stop sales until the problem is resolved. (2) A state-certified local health department, after filing notice with IDPH, can require such "cottage food operations" to register and allow inspection if there is a complaint or outbreak of food-borne illness (S.B. 840, Koehler-Frerichs-Holmes-J.Collins et al.—Dugan-Jakobsson et al.).

**Furnace Safety.** Rebuilt "flame safeguard controls" in nonresidential, forced-air heating systems (except structures used for production agriculture) are banned July 1, 2012 unless labeled and listed by a nationally recognized testing agency. Banned controls must be replaced, not merely removed (H.B. 1095, Dugan—Althoff-Wilhelmi).

**Health Clinic Services.** Persons licensed and trained to provide medical services may do so in a local government or nonprofit clinic under a standing order (described below) without a physician-patient relationship between the physician and patient. Such a "public health standing order" must list specific services to be provided; have instructions on the training or experience of personnel to provide them; and be signed by the standing order physician (S.B. 123, Steans-Sandoval—D.Burke).

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**Health Benefits Exchange; Health Savings Accounts.** An Illinois Health Benefits Exchange is to be created October 1, 2013 to help find competitive individual and small-employer health insurance. The Department of Insurance and the Commission on Governmental Forecasting and Accountability may use federal grant money to help create the Exchange. A legislative study committee will study the planned Exchange and report by September 30, 2011.

Starting this year, each state agency must offer health savings accounts (HSAs) to its employees who want high-deductible health coverage. An HSA can be used to pay premiums for health coverage (including insurance, other than Medicare-supplement policies) and medical costs. Any amount unspent at yearend will become the employee's property (S.B. 1555, Haine—Mautino-M.Davis-Flowers).

**Healthcare Workforce Council.** If federal grants are available, a State Healthcare Workforce Council, chaired by the Director of IDPH, will assess health-related workforce trends, training issues, and financing policies, and recommend ways to address needs. IDPH and the Council will prepare a comprehensive healthcare workforce plan every 5 years. In all other years, IDPH will report to the Governor and General Assembly on progress in the preceding year (S.B. 1945, Delgado-Trotter-Koehler-Noland-Martinez et al.—Hernandez-Gabel-du Buclet).

**HIV Reporting.** Starting 90 days after IDPH offers to hospitals and laboratories a way to report the following information electronically—but only for institutions having an “electronic health record” for identifying HIV patients—those institutions must report to IDPH both CD4 (a measure of immune system strength) and HIV viral load test results. IDPH is to include those results in its HIV/AIDS Registry (H.B. 299, Ford-Golar—Radogno).

**Hospitals. DNR orders.** IDPH's optional uniform document for physician Do

Not Resuscitate orders must meet minimum requirements as a Physician Order for Life-Sustaining Treatment (POLST) nationally (H.B. 3134, Feigenholtz-Gabel—Raoul).

**Nondiscrimination.** Required written statements of patient rights upon hospitalization must state a right against discrimination due to race, color, or national origin. The statements must also describe how to file a grievance alleging such discrimination. Similar information must be posted in hospital emergency rooms (H.B. 279, Flowers-Mayfield-Ford-M.Davis et al.—Delgado).

**Nurse staffing plans.** A hospital's staffing plan for nursing care must be available to the general public on request (S.B. 1342, Lightford-Hunter-Noland-Garrett—Gabel-Flowers-Hernandez-Lilly).

**Safe patient lifting.** Hospitals must train patient care staff on safe patient lifting policies and techniques, and available lifting equipment. A hospital must have a safe lifting team available, and patients must be advised of transfer and lift options, and of their right to choose among them (H.B. 1684, Golar-Holbrook-Lang-Bellock et al.—Holmes).

**Immunizations. Awareness.** An existing mandate that the Department of Children Family Services publicize the need to immunize children in day care is expanded to mention pertussis (whooping cough); apply to children outside the existing range of 6 months to 5 years; and include a requirement to provide information on the importance of vaccinating children who are in day care with other children (H.B. 1707, Gabel-Riley-Colvin et al.—Hunter-Schoenberg-Noland et al.).

**Registry.** IDPH may develop and maintain a registry of immunization data, to be used to ensure proper use and effectiveness of immunization. Providers of immunizations may report data to the registry unless the patient (or patient's parents) fill out a written exemption

form. Registry records must be confidential. IDPH may release data from the registry to health departments and educational and child-care institutions, subject to confidentiality requirements (H.B. 1338, Gabel-Currie-Feigenholtz et al.—Delgado-Kotowski-Trotter et al.).

**Internet Safety for Children.** All Internet service providers must allow subscribers to restrict the sites their minor children can visit, and may charge for doing so (H.B. 3289, Mathias-Kay-Moffitt et al.—Holmes).

**Lead Poisoning Prevention.** The Lead Poisoning Prevention Act is amended by adding a detailed list of articles that are “jewelry” and expanding the definition of “toy containing paint” to include any toy with an accessible component having any kind of coating. The warning statement required by the Act for children's products containing lead can be omitted if the lead-containing parts are not foreseeably accessible to a child, or are exempt from third-party testing as determined by the U.S. Consumer Product Safety Commission (S.B. 1943, Delgado-Frerichs-Hunter-J.Collins—Jakobsson-Flowers et al.).

**Lottery Game.** The scratchoff Ticket for the Cure game for breast cancer research is renamed the Carolyn Adams Ticket for the Cure and extended 5 years through 2016. IDPH, in making grants from game proceeds, must consider funding projects to address disparities in incidence and mortality rates of breast cancer, and populations facing barriers to care. The game's current advisory board will be replaced by four legislators named by legislative leaders, and six members named by the IDPH Director who have knowledge of breast cancer issues. IDPH will report annually on sales, grants, and grantee accomplishments (S.B. 1279, Hunter-J.Collins—Howard-Flowers).

**Mental Health Insurance.** Group medical insurers' and HMOs' payment requirements and treatment limits for

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## Health & Safety

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mental health or substance-abuse disorders and conditions may be no more restrictive than those for other covered hospital and medical benefits. If a group accident and health insurance policy or HMO has no annual limit on most hospital and medical benefits, it cannot impose annual limits on treatment for mental health or substance-abuse disorders and conditions (H.B. 1530, Lang-Gabel-W.Davis-Jakobsson-Crespo et al.—Delgado-Crotty-Noland-J.Collins-Harmon et al.).

### Multi-Drug-Resistant Organisms.

Persons who certify causes of death must list the presence of MRSA, *clostridium difficile*, or vancomycin-resistant enterococci if it contributed to the death (H.B. 1658, Bellock-Mathias-Cole—Radogno-Garrett et al.).

**Newborn Screening Expansion.** When several requirements listed in the bill have been met, IDPH is to provide newborns with expanded screening tests for five Lysosomal Storage Disorders. (This is intended to occur within 2 years.) IDPH must also start newborn screening for Severe Combined Immunodeficiency Disease within 1 year after other requirements are met. To help fund startup costs, IDPH can charge additional fees for such screening before it begins (S.B. 1761, Righter-Stears-Wilhelmi-Holmes-Delgado et al.—Osmond-Smith-Bellock et al.).

**Nursing Homes. Infection control.** Each skilled nursing facility must have one or more Infection Prevention and Control Professionals, qualified by education, training, experience, and/or certification to develop and implement policies to control infections and communicable diseases (H.B. 1096, Feigenholtz-Gabel-Yarbrough-Nekritz et al.—Stears).

**Physician orders.** Medical orders and treatment plans in nursing homes must be authenticated by the issuing doctor, either by signature or using an electronic system allowing verification of credentials (S.B. 1248, Frerichs—Jakobsson-M.Davis-Riley et al.).

**Physician Investigations.** The Department of Professional Regulation must disclose the status of an investigation of a doctor's professional conduct and capacity on request by the filer of the report or complaint. The Department must tell that filer the time and place for a disciplinary hearing and whether the filer can testify (H.B. 1476, Flowers-Franks-Farnham-Chapa-LaVia-Crespo—Delgado).

**Prepaid Wireless 911 Tax.** Buyers of prepaid cellular service must pay an additional 1.5% (or up to 7% in Chicago) to fund access to 911 service. (The 1.5% rate will change in proportion to any change in the 911 tax on monthly cellphone bills—now 73¢ per month.) The Illinois Commerce Commission will distribute proceeds under the Wireless Emergency Telephone Safety Act (S.B. 2063, Harmon-Millner-Haine-Althoff-Muñoz—May-Dunkin-Lang-Holbrook-Bost et al.).

### Provider Recoupments and Offsets.

A notice to a medical provider of a recoupment or offset by an insurer, HMO, or other payer must list the deadline for appealing it (to be within 60 days of the initial notice). A recoupment or offset may not normally occur 18 months or more after an original payment was made (H.B. 1193, G.Harris-M.Davis-Feigenholtz-Flowers-D.Burke et al.—Stears).

**Radon Protection of Renters.** Any lessor of a residential unit that is not over two stories *above* the ground floor must tell current and prospective tenants of any known test showing radon in it exceeding an action level of the U.S. EPA or the Illinois Emergency Management Agency's Division of Nuclear Safety. A tenant can have a radon test done and send to the lessor in writing a result showing an excess level—triggering the notification requirement unless the lessor does a test showing no excess level. A lessor that learns of an excess level, but has mitigation done and retests with a result below the action level, need not notify

prospective tenants (H.B. 141, Reitz-Dugan-Phelps-Verschoore-Yarbrough et al.—Haine-Luechtefeld-J.Collins).

**Smoke Detectors in Hotels.** Each hotel must have at least one smoke detector within 15 feet of every sleeping room (H.B. 1398, Moffitt-Gordon—LaHood-Silverstein).

**Soccer Goal Safety.** Each organization having a movable soccer goal must have a safety and education policy addressing dangers of such goals. Sale of movable soccer goals that are not tip-resistant (as defined) will be banned 1 year after this act takes effect. By June 30, 2012, IDPH must offer, on the Internet or otherwise, technical assistance materials to promote soccer goal safety (H.B. 1130, Sente-Franks-Pritchard-E.Sullivan et al.—Link et al.).

### Special-Needs Persons Using Oxygen.

Suppliers of pressurized oxygen for medical purposes must try to publicize the Premise Alert Program (PAP) database kept by public safety agencies on persons with special needs. Public safety workers are to learn whether patients they see on calls use bottled medical oxygen, for possible entry into the database (S.B. 1321, Maloney—W.Davis-Mathias).

**Sudden Infant Death.** DCFS must require employees caring for newborns and infants in licensed child-care facilities to be trained every 3 years on sudden infant death and the American Academy of Pediatrics' safe sleep recommendations (H.B. 2099, McAsey-Franks-Sente-Farnham-Crespo et al.—Wilhelmi).

**Tobacco Quitting Coverage.** Group health insurers, HMOs, limited health service organizations, and voluntary health service plans must offer (for an added premium) coverage for up to \$500 annually for tobacco use cessation help for insureds 18 and older (S.B. 673, Stears-Sandoval—Feigenholtz). □

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## Education *(continued from p. 15)*

demand a “fact-finding” panel after a “reasonable” time. The panel must recommend an agreement within 75 days; the parties have 15 days to reject the proposal, which must be published if rejected; and unions may strike 30 days after the proposal is published if at least 75% of all bargaining unit members authorize it (S.B. 7, Lightford-Maloney-Murphy-Muñoz-Meeks et al. — Madigan-Cross-Chapa LaVia-Eddy-Currie et al., and H.B. 1197, M.Davis-Madigan-Currie-Cross-Chapa LaVia et al. — Lightford-Muñoz-Maloney et al.).

**Licensing.** Teaching certificates will be replaced by “Professional Educator Licenses” with three levels and endorsed for specific areas (subjects) and grade levels. Student teachers will have to pass tests on subjects on which they plan to teach before they teach, and pass an assessment of teacher effectiveness to graduate from preparation programs. A teachers’ preparation program may be approved by the State Board to offer an alternative route for licensing of new teachers, to include 2 years of “residency” teacher training. Alternative routes for licensing of principals and superintendents are also provided. Teaching excellence funds will focus on rewarding teachers for becoming nationally certified rather than for completing the process. Fees charged to teachers are raised (S.B. 1799, Steans-Maloney-Holmes — Chapa LaVia-Pritchard).

**Textbooks.** The State Board of Education may make grants to public and recognized private schools, based on their enrollments, to buy secular textbooks. The State Board’s textbook loan program and some school districts’ authority over textbooks are repealed (H.B. 3115, Gordon-Eddy-Pihos-Chapa LaVia-Yarbrough et al. — Maloney-Lightford-J.Collins et al.).

**Truancy Definition.** Chronic or habitual truancy is defined as absence without

cause for 5% (formerly 10%) of the last 180 school days (H.B. 3179, Cavaletto-Eddy-J.Mitchell-Moffitt-Pihos et al. — J.Jones).

## Higher Education

### Evaluating University Programs.

**Performance-based appropriations.** The Illinois Board of Higher Education must appoint a group to devise a system to allocate higher education funding based on public higher education institutions’ success in graduating students. Starting in FY 2013, the Board’s budget recommendations must be based on that measure (H.B. 1503, Rose-Flowers-Pritchard-Jakobsson-McCarthy et al. — Maloney-Righter et al.).

**Programs reports.** Each state university must report annually to the Board of Higher Education on programs that it has closed, shrunk, or consolidated; programs with low trends in enrollment and degree completion; and any tuition increases and cost-saving measures in the last fiscal year. The Board is to report annually to the General Assembly on those changes, and also on new programs at state universities (H.B. 1079, Pihos-Hammond-Barickman-Cavaletto-Rose et al. — C.Johnson-Crotty, **Amen-datorily vetoed** (as to only a minor provision not summarized here); S.B. 1883, Maloney-Frerichs — Jakobsson-Flowers-Pritchard-McCarthy-Crespo et al.).

**Green Technology.** The Board of Higher Education and Community College Board are to publicize on their Websites actions by state universities and community colleges to promote green technologies, including courses and degree programs (H.B. 166, Winters-Fortner — Frerichs-C.Johnson et al.).

**Immigrants’ Children.** A new DREAM Fund Commission under the Illinois Student Assistance Commission will seek private funds for, and award college scholarships to, children of immigrants. Illinois college savings and

prepaid tuition programs must be open to persons with valid Taxpayer Identification or Social Security numbers if they meet other existing requirements. Needs of children of immigrants (including, for school counselors, higher education opportunities for undocumented immigrants) are added to the topics to be addressed in continuing professional development for school service personnel (S.B. 2185, Cullerton-Harmon-Martinez-Schoenberg-Noland et al. — Acevedo-Hernandez-Soto-Berrios-Arroyo et al.).

**Scholarships.** *Eastern Illinois University* must try a 4-year program of tuition waivers to more students; the waivers cannot exceed \$2,500 per student per year. The Board of Higher Education must consider tuition and fee waivers (added to tuition and fees) in preparing budget requests (S.B. 1798, Maloney-Noland-Crotty-Righter — Rose-Eddy-Jakobsson-Mayfield-W.Davis et al.).

**Engineering diversity.** Subject to appropriation, the Department of Transportation may award up to 20 college scholarships per year, each worth up to \$7,500 annually, to increase diversity by race and sex in state civil engineering jobs. Recipients may be required to work for the Department at least 1 year per year of scholarship (H.B. 1256, Colvin-Flowers-Mayfield-Dunkin-Lilly et al. — Hutchinson-J.Collins).

**General Assembly.** A General Assembly scholarship recipient may not be a relative (as defined in the bill) of a nominating member (H.B. 1353, Pritchard-Kay et al. — Dillard, **Amen-datorily vetoed**).

**Technology Entrepreneur Centers.** State universities and community colleges can create centers to help develop innovative concepts into business ventures (H.B. 1876, Cross-Fortner-Tracy-Beiser-Kay et al. — Holmes-Murphy et al.). □

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# Local Government

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**The General Assembly voted to authorize programs for local economic development; allow road districts to be abolished in Cook County; and create a commission to recommend other local government consolidation.**

**Aldermen—Number.** A municipality whose population, based on the latest federal census, rises enough to require an increase in its number of aldermen may, by ordinance or resolution passed within 1 year after receiving the census data, retain the number of aldermen it has (H.B. 2069, McAssey-Fortner—Wilhelmi-Holmes).

**Boom Boxes.** Municipalities are authorized to regulate devices that reproduce recorded or broadcast sounds (H.B. 1311, DeLuca—Bomke).

**Cellphone Tower Siting.** Thirty days before getting a permit for a new cellphone tower in an unincorporated area, the telecommunications carrier must send written notice to all property owners within 250 feet of the parcel where it is to be built. The notice must include contact information for the company and the government unit that would issue the permit, and a site plan and map showing the locations of the parcel and of the planned tower in it (H.B. 2974, Kosel—Holmes-Haine et al.).

**Cook County Road District Abolition.** The trustees of any Cook County township may call a referendum on abolishing its road district. If it passes, the township will assume all of the road district’s powers and duties, including taxation. The road district will be abolished on January 1 immediately after the election, and its commissioner will no longer hold office. The township may contract with Cook County, a municipality, or

a private firm to administer its roads (S.B. 1907, Sandoval-Noland-Landek-Lauzen-Schoenberg et al.—Madigan-D’Amico-Biss).

**Consolidation of Units.** The top legislative leaders will appoint 12 legislators, and the Governor will appoint 5 other members, to a new Local Government Consolidation Commission. It will study all levels of local government in Illinois and report to the General Assembly by the end of 2012, recommending laws or constitutional amendments to optimize local government effectiveness and authority (H.B. 268, Franks-Lang-Dugan-Watson-Sente et al.—Raoul-Dillard-Landek-Alt Hoff-Holmes et al.).

**County Oversight of Agencies.** The board of a county of over 300,000, except Cook, may require any local government or agency to which the board chairman (or county executive) names a majority of members to provide the board with detailed information, which may include finances, budget, contracts, employment, and ethics policies, and any findings of noncompliance with law (S.B. 541, Garrett-Sandack-Millner—Connelly-Pihos-Ramey et al.).

**Economic Development.** *Local grants.* Municipalities are granted a broad power to appropriate money for “economic development” purposes, by means including making grants to other governments and/or to businesses (H.B. 1730, Riley-Mayfield-Jackson—Hutchinson).



**Main Street communities.** An Illinois Main Street program is created in the Department of Commerce and Economic Opportunity (DCEO) to help municipalities named as Main Street communities, by methods including planning, site evaluation, training, and (if funds are available) startup costs for downtown or neighborhood revitalization. The Lieutenant Governor is designated as the program’s Ambassador and will work with DCEO to promote it (H.B. 3414, Verschoore-Unes-Riley-Mayfield-Sosnowski—J.Sullivan-Koehler et al.).

**Firefighter Hiring.** New, detailed requirements are enacted for hiring firefighters in municipalities with full-time fire departments except Chicago, and in fire protection districts. Firefighters will be ranked based on mental aptitude, physical ability, moral character, health, and legal preferences (such as veterans’ preference). The local Civil Service Commission (or Board of Fire and Police Commissioners if a city has one) will certify all appointments. The Commission or Board may elect to follow a different new procedure using a test conducted or sanctioned by the state’s Joint Labor and Management Committee (H.B. 1576, Dugan-Bost-Verschoore-Holbrook-Fortner et al.—Koehler-Harmon-Noland et al.).

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# Professions & Occupations

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*Legislators voted to require licensing or registration of appraisal management companies and vehicle repossessioners; they also voted to end the medical career of any person in a profession involving health care who is convicted of a violent crime or a crime requiring registration as a sex offender. The authority that collaborating physicians can delegate to advanced practice nurses and physician assistants to prescribe addictive drugs is slightly expanded. Three older laws restricting occupations were repealed. (This article does not summarize bills that extended the sunset dates of existing professional or occupational licensing laws with some changes in the requirements they impose.)*

## **Appraisal Management Companies.**

Starting next January 1, a firm that administers a network of independent appraisers; hires them on behalf of its clients; or otherwise is a third-party provider of appraisal services (with some exceptions) must be registered with the Department of Financial and Professional Regulation and comply with some standards imposed by this new act. The Department may investigate alleged violations, and impose a civil penalty up to \$25,000 per violation. The amount of any fee to an appraiser paid through an appraisal management company for an appraisal used to get a loan must be disclosed to the borrower (S.B. 1539, Martinez-J.Collins-Hunter—Saviano-Rita).

**Fireworks Operators.** An out-of-state operator of pyrotechnic services or displays no longer must be employed by a licensed pyrotechnic distributor or production company. But such a “touring” pyrotechnic company must associate itself with a “cover licenser” licensed in Illinois, and provide detailed information, including a plan for each event that meets National Fire Protection Association standards and proof of at least \$1 million of liability insurance (H.B. 711, Cunningham—Muñoz-Maloney-Martinez et al.).

## **Medical Professionals and Crime.**

Any health-care worker (including, among many others, audiologists, hearing aid dispensers, and pharmacists) who is convicted of a crime requiring

registration as a sex offender; criminal battery of a patient; or any other forcible felony will be permanently de-licensed; no one convicted of such an offense can ever get a health-care license. Any health-care worker who is criminally charged with any such offense may thereafter practice in the presence of patients only with another health-care worker present as a chaperone pending the outcome of the prosecution (H.B. 220, Franks-Bellock-Flowers-Dugan-Yarbrough et al.—Dillard-Althoff et al. and H.B. 1271, Burns-Franks-Bellock-Mathias et al.—Dillard-Martinez et al.).

## **Prescribing Schedule II Drugs.**

A collaborating physician or podiatrist may delegate to an advanced practice nurse or physician assistant authority to prescribe for oral, topical, or transdermal administration any named Schedule II controlled substances that the physician routinely uses in practice, if the advanced practice nurse or physician assistant has 45 contact hours of education in pharmacology and gets 5 hours of continuing pharmacology education each year. A prescribing physician assistant (added to advanced practice nurse) must discuss with the supervising physician any patient for whom a controlled substance is prescribed monthly (S.B. 2255, Haine et al.—Feigenholtz-Reitz-Verschoore-Phelps-Morthland et al.).

**Repealed Laws.** The Illinois Farm Labor Contractor Certification Act, Illinois Street Trades Law, and Industrial



Home Work Act are repealed (H.B. 3428, Bradley—Kotowski).

**Repossessioners.** Under a new Collateral Recovery Act, every entity that repossesses vehicles or similar movable property under a lease, lien, or other security interest (except a financial institution employee acting for the institution, or a towing operator acting in the direct presence of an employee or agent of the creditor institution) must be licensed by the Illinois Commerce Commission (ICC). Persons in charge of recovery agencies must also be licensed, and employees who actually repossess property must have permits from the ICC—in each case after passing a background check and certification program. Each agency must be insured for at least \$1 million per occurrence and \$3 million in total liability. An agency must notify local law enforcement before, and within 30 minutes after, each repossession. The ICC may investigate alleged violations, hold hearings, and revoke or suspend licenses. Acting through the Attorney General, it may seek injunctions against violations (which are also declared to be Class A misdemeanors—or Class 4 felonies for repeat offenses). Home-rule units may not regulate repo agencies less stringently (S.B. 1306, Mulroe-T.Johnson et al.—Mautino-Kay-Pritchard). □

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# Revenue

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***The General Assembly voted to expand casino and slot-machine gambling in Chicago and elsewhere, and allow betting on horse races at the State Fairgrounds; allow delinquent owners to pay property taxes through the last business day before a tax sale; and require state and local tax rates to be posted on-line.***

## Gambling Expansion

Senate Bill 744 would allow a new casino (which could be land-based) in Chicago and slot machines at Chicago airports. Four new riverboats would be authorized in other parts of the state. The state fairgrounds in Springfield could have horse racing for up to 9 months per year, and racetracks could be licensed for electronic gaming, including slot machines. Wagering tax rates would be reduced, but racetracks with electronic gaming could pay higher pari-mutuel tax rates. New ethics requirements would apply to the Racing and Gaming Boards to avoid problems arising from conflicts of interest. Those provisions were added as amendments in the House, which passed the bill 65-50. The Senate concurred in the amendments, but Senate President Cullerton filed a motion to reconsider, preventing the bill from officially passing. The following is a brief summary of the bill as passed by the Senate with all House amendments.

***New casinos.*** The Illinois Gaming Board may license 5 new gaming facilities—a casino in Chicago, and riverboats in Danville, Park City, Rockford, and a municipality in one of 10 townships in Cook County. Chicago will oversee its casino through a new Chicago Casino Development Authority, to contract with a private operator. The Authority's board will have 5 members appointed by the Mayor of Chicago, subject to Gaming Board approval. The Authority can also place slot machines within federally secured areas in Chicago airports. The total number of

“gaming positions” in Chicago may not exceed 4,000. Positions at other facilities will be limited to 1,600 each (up from 1,200) for licenses issued before 2013, and 2,000 for licenses issued later. Existing riverboats may convert to land-based casinos with Gaming Board approval.

The new licensees must pay a license fee of \$100,000, and a fee per gaming position of \$25,000 for the Chicago casino and \$12,500 for the new riverboats. They must all make “reconciliation payments” 4 years after starting operations, based on their profits. Fees go to the Gaming Facilities Fee Revenue Fund, to pay bills outstanding for more than 60 days.

***Slots at tracks.*** Racing licensees, including the Authority, can be licensed by the Gaming Board for electronic gaming at tracks on days when live or simulcast races occur. Electronic gaming positions may not exceed 1,200 per Cook County licensee and 900 per licensee in other counties. Unobligated receipts from electronic gaming will go to the track's purse account and the gaming licensee.

A tax of \$3 per person is to apply to admission to electronic gaming facilities. Tracks with electronic gaming will pay pari-mutuel rates of 2% to 3.5% (above the current 1.5%) on their pari-mutuel handle to the extent it exceeds its average 2011 level.

From 2011 through 2019, racing and electronic gaming licensees will pay surcharges on income from the sale or exchange of capital assets, depreciable



business property, real property used in trade or business, and some intangibles, equal to the amount of federal income tax liability for those sales or exchanges (with limited exceptions).

***State Fairgrounds Racing.*** A new Illinois State Fairgrounds Racetrack Authority may get a license from the Illinois Racing Board for horse racing for up to 9 months per year at the State Fairgrounds. The Authority, to be governed by an 11-member Board appointed by state, local, and private officials, would contract with a private operator, with Racing Board approval. Unobligated revenues of the Authority would be split evenly between the State Fairgrounds Infrastructure Improvement Fund and Future of Agriculture Fund.

***Wagering taxes.*** Wagering tax rates are to decline slightly in 2012, and again in mid-2013. Tax liabilities are to decline for current riverboats and new electronic gaming facilities whose after-tax receipts are less than in 2012.

***Ethics.*** Bidders for most contracts with the two new Authorities must disclose information on persons with interests in them, and about their political contributions. Application materials for new riverboat or casino licenses will require more information, such as projected numbers of jobs to be created and each applicant's business history. Members of the Racing and Gaming Boards, and officials in cities with gambling, must comply with disclosure and conflict-of-interest provisions.

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# Social Services

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*The General Assembly passed several bills to combine or simplify the administration of multiple social services. It also voted to reduce eligibility for benefits and impose charges for some services to save money; investigate unexplained deaths in community mental health facilities; and provide more protections against child abuse.*

**African-American Community Disparities.** A Commission to End the Disparities Facing the African-American Community will research economic and social disparities facing African-Americans; hold at least one public hearing; and report to the General Assembly by the end of 2013 (H.B. 1547, M.Davis-Soto-A.Collins-Lilly-Ford et al.—Hunter-J.Collins-Trotter).

**Behavioral Health—Regional Networks.** The Department of Human Services (DHS) is to create Regional Integrated Behavioral Health Networks to improve access to mental health and substance abuse services. A Steering Committee comprising human services agency and Network representatives will help each Network develop a plan to inventory available services; identify unmet community needs; and improve access to services. The Committee will report annually to the Governor and General Assembly (H.B. 2982, Sosnowski-Bellock-Rose-Cole-Hammond et al.—Syverson-Schoenberg et al.).

**Benefit Cuts and User Charges.** Parents of children in the Children’s Health Insurance Program can be charged up to \$10 per nonemergency use of an emergency room, and their \$100 annual limit on out-of-pocket charges is eliminated. Medicaid copayments for nonemergency use of emergency rooms are also raised to \$10. (Those changes are subject to federal approval.) The Illinois Schools for the Deaf and for the Visually Impaired can “ask” parents of their students to pay some or all non-educational costs including registration, room and board, extracurricular activities, and graduation, based on ability to pay

(which DHS is to assess annually for each student’s parents). The Prompt Payment Act is amended to lengthen the time after receipt of a correct bill by which payment must be made from 60 to 90 days, and limit the interest penalty thereafter to 1% per month (was 2% for Medicaid non-pharmacy services). Starting January 1, 2014, an adult caretaker relative with countable income over 133% (now 185%) of the Federal Poverty Level Guidelines for that family will not qualify for Medicaid coverage. The Department of Healthcare and Family Services can end Medicaid coverage of some nonprescription drugs such as cold and allergy remedies, and must seek federal waivers to limit the number of pharmacies that can supply some “specialty” drugs to Medicaid clients. A provision exempting hospitals from paying provider assessments if state appropriations to hospitals under Medicaid are below a particular level is suspended for fiscal year 2012. In the Circuit Breaker program, income limits on eligibility are set at 200% of the federal poverty level, and the Department of Healthcare and Family Services can impose higher copayments effective starting in fiscal year 2012 (H.B. 3256, Moffitt-Holbrook-Hatcher-D.Harris—LaHood et al.).

**Child Abuse Reporting.** *Mandated reporters added.* Medical and counseling staffs at facilities for abortion or contraceptive services must report suspected child abuse. Those facilities must inform personnel of reporting requirements (H.B. 2093, Reis-Kay-Cavaletto-Unes-Senger et al.—Haine).

*Privileges.* Professional-client privilege will not exempt a mandated reporter



from sharing information or documents with DCFS in an abuse investigation. Written reports by mandated reporters are to be admitted in administrative (added to judicial) forums; no privilege for communications between a mandated reporter and an alleged perpetrator or victim will apply in either kind of forum (S.B. 106, Kotowski-Martinez-J.Collins et al.—Senger-Riley).

**Child Support and Passports.** The Department of Healthcare and Family Services (DHFS) may certify persons owing child support to the U.S. Department of Health and Human Services for the purpose of denying or restricting their passports (if any). Provisions that past-due child support creates a lien in favor of the state will apply notwithstanding any other state or local laws (S.B. 1612, Martinez-J.Collins—Mell-Bellock-Rita-May-Sente et al.).

**Community Services Analysis.** DHS by July 1, 2012 must do a geographic analysis of developmental disability and mental illness services, and regional gaps in services, and report to the General Assembly by January 2013 (S.B. 1622, Steans-Garrett-J.Collins—Feigenholtz-Sente et al.).

**Counseling of Adult Having a Guardian.** An adult who has a guardian may get up to five 45-minute counseling or psychotherapy sessions without the guardian’s consent or financial responsibility. Guardian consent is needed for any further counseling

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## Social Services

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(H.B. 785, Williams-Bellock et al.—Mulroe).

### **DCFS Employment Restrictions.**

The Department of Children and Family Services may not employ persons declared sexually dangerous, or convicted of crimes that would bar licensure under the Child Care Act of 1969 (H.B. 275, Reboletti-Bellock—Wilhelmi et al.).

### **Developmental Disabilities Patient Cuts.**

If any DHS-operated developmental disabilities facility reduces its patient count by at least 10% from its last 12-month high, DHS must report to the General Assembly on (1) that change; (2) where the discharged patients are expected to be cared for; and (3) projected appropriation shifts needed. DHS must transfer funding from the facility to any DHS-funded new places for care (H.B. 1659, Bellock-Cole-Osmond-Jakobsson-Pihos—Steans-Righter, **Amendatorily vetoed**).

**Disabilities Terminology.** In rules, contracts, and other documents, the terms “mental retardation,” “mentally retarded,” “crippled,” and “crippling” are to be deemed to refer to “intellectual disability,” “intellectually disabled,” “physically disabled,” and “physically disabling” respectively. State agencies are to amend rules to reflect these changes (S.B. 1833, Murphy-Althoff et al.—McAsey-Sente-Crespo-Gabel-Jakobsson et al.).

**Fire Inspections.** The State Fire Marshal will inspect for fire risks in various kinds of care facilities, including community-integrated living arrangements (CILAs), facilities for long-term care of persons under 22 with developmental disabilities, and residential facilities for child care, or deputize another state agency that

has personnel qualified to do so (H.B. 1521, Rose—Crotty).

**Infant Relinquishment.** Staffed police stations on public or private college or university campuses, and State Police district headquarters, are added to the places where a baby apparently less than 30 days old can be relinquished (H.B. 106, Jakobsson-Nekritz-Cole-Bellock-Hays et al.—Trotter-Mulroe-Martinez-Garrett-Delgado et al.).

**Mental Health Disclosure.** State agencies, county jails, insurers, and integrated health systems may disclose medical records of a participant in DHFS or DHS mental-health programs to hospitals, medical professionals, and interdisciplinary teams treating the patient without the patient’s consent (S.B. 1234, Hunter—Feigholtz-Nekritz-Pritchard).

**Mental Health Facilities.** *Community care.* By the end of 2011 and in each of the next 4 years, DHS must report to the General Assembly on efforts to move institutionalized persons with mental illnesses to community settings. DHS is to create a new “rule” for community-based residential settings by the end of this year. By October 2011, DHS is to study existing community-based housing, including state and federally funded residential services (S.B. 1623, Steans-J.Collins—G.Harris-Bellock-Flowers-Golar et al.).

*Patient abuse.* DHS must review the license of a CILA agency after an unexplained death of a resident or an unusually high number of complaints or findings of resident abuse or neglect. It must issue rules for putting CILAs under receivership or monitoring due to risks to residents. CILA agencies must annually check whether any employees are on registers of sex offenders or other abusers, and fire any who are. DHS must tell residents and

their guardians how to report suspected abuse, neglect, or exploitation, and allow any legally competent adult resident without a legal guardian to designate an adult representative to receive notices of adverse incidents involving the resident (H.B. 653, G.Harris-Jakobsson-Bellock-Cole-Howard et al.—Althoff-Wilhelmi-J.Collins-Martinez et al.).

*Services plan.* A Mental Health Services Strategic Planning Task Force will work with the Governor and legislative committees to write a 5-year plan for mental health services in Illinois, reporting to the Governor and General Assembly within 18 months and meeting quarterly thereafter (through 2019) to monitor implementation (H.B. 2084, Crespo-Golar-Farnham-Pihos-Bellock et al.—Noland-Kotowski-Crotty).

**Mobile Home Relocations.** The Illinois Department of Public Health (IDPH), aided by the Illinois Housing Development Authority, is to send the General Assembly by October 1, 2011 a plan for addressing problems of mobile home owners who must move due to park sale or closure (S.B. 1996, Noland-Garrett-Crotty et al.—Farnham-Nekritz-Dugan et al.).

**Psychotropic Drugs to Minors.** By October 2011, the Department of Children and Family Services must adopt rules on administering psychotropic medications to youth for whom it is responsible. It must create procedures for issuing warnings and notifying guardians, physicians, hospitals, and IDPH of rule violations, and report annually to the General Assembly and Governor (H.B. 286, Flowers-Rose-D.Brady-M.Davis—Delgado).

**Streamlining of Services.** *Agency operations.* The Governor is to create a Management Improvement Initiative Committee, to include community organizations and a Management Im-

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## Social Services

(continued from p. 26)

Improvement Initiative Departmental Leadership Team from the five human services agencies. The Committee will implement recommendations in a January 2011 report on streamlining provider auditing and supervision; make a progress report by November 2011; eliminate unreasonable regulations; and implement reciprocity and work process integration across divisions and departments (H.B. 1488, Rose-Jakobsson-Osmond-G.Harris-Bellock et al. — Frerichs-Crotty-Millner-Delgado).

**Contracting.** The Departments of Human Services and Healthcare and Family Services, and Department on Aging, are to work together to standardize how they contract with human service providers (H.B. 1485, Rose-Jakobsson-Osmond-G.Harris-Bellock et al. — Frerichs-Althoff et al.).

**Medicaid administration.** The Department of Healthcare and Family Services, aided by DHS, must report to the General Assembly by next January on the feasibility and effects of centralizing Medicaid administration for people not seeking other assistance, bypassing local DHS offices (H.B. 1656, Bellock — Hunter).

**Veterans. Family eligibility in veterans' home.** A natural parent or the spouse of a veteran who was killed in action, after living in Illinois for at least 1 year, may enter a veterans' home if it has vacant beds (H.B. 2875, Phelps — Forby).

**Prosthetics.** The Discharged Servicemember Task Force must investigate the availability of prosthetics (added to other veterans' issues) this fiscal year (H.B. 3315, Mulligan-Osmond-Hatcher-Riley — Lightford).

**Public service announcements.** The Department of Veterans' Affairs may take donations for a Veterans Traumatic Brain Injury and Post-Traumatic Stress Disorder Public Service Announcement Fund to pay for public service announcements on services for affected veterans (H.B. 3275, Barickman-D.Harris-Tracy-Kay — J.Collins-Trotter-Martinez et al.).

**Utility shutoff.** Each December through March, no electric or gas public utility may disconnect service to the primary heat source of a residential customer who has told the utility that he or she is a servicemember or veteran (H.B. 1260, Farnham-Mussman-Flowers-G.Harris-Sente et al. — Noland-J.Collins). □

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## Local Government

(continued from p. 22)

**Fire Protection Boundaries.** If an unincorporated parcel in a fire protection district is annexed to a municipality (before the earlier of 1 year after the effective date of this act or July 1, 2012), the district and municipality can agree to keep it in the district due to infeasibility of municipal fire protection (H.B. 1700, Cross-Mathias — Holmes).

**Jail Privatization Ban.** Sheriffs and units of local government are prohibited from contracting for services to prisoners except “ancillary” services (including medical and educational services, repair and maintenance, and

other services not directly related to jail ownership, management, or operation of security services) (H.B. 2590, Bost-Burns-Saviano et al. — Raoul-Millner).

**Mental Health Advisory Committees.** In any county except Cook that has a county health department but no mental health program, the county board chairman may appoint a seven-member mental health advisory committee by the end of 2011. Such a committee must be appointed in such a county — and in a township in Cook County — that has no community mental health board (S.B. 1584, Crotty-Maloney — Riley et al.).

**Wage Deductions.** A municipality under 500,000 may deduct from employee wages erroneous overpayments, or debts owed to it by an employee. Such deductions may not take over 15% of any one net payment, and must be preceded by notice and an opportunity to be heard (H.B. 1513, Dugan — Holmes). □

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# State Government & Pensions

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*Legislators voted to commemorate the nation's bloodiest war, and to create Purple Heart Day in Illinois; limit how long gubernatorial appointees may stay in office without being confirmed by the Senate; hold down legislative pay and expense reimbursements for another fiscal year; and limit pension costs, especially to local governments. Other bills that passed both houses will allow public bodies to charge high-volume or commercial requesters under the Freedom of Information Act for part of the costs of answering their questions; create a uniform definition of "minority" persons; and require information on non-traffic surveillance cameras to be posted on-line.*

**Civil War 150th Anniversary.** An Illinois Sesquicentennial of the American Civil War Commission, consisting of four legislators and four public members appointed by legislative leaders; three gubernatorial appointees; and six state officials serving *ex officio*, will sponsor (along with the Historic Preservation Agency) commemorations of the American Civil War through 2015 (H.B. 237, Cross—Holmes).

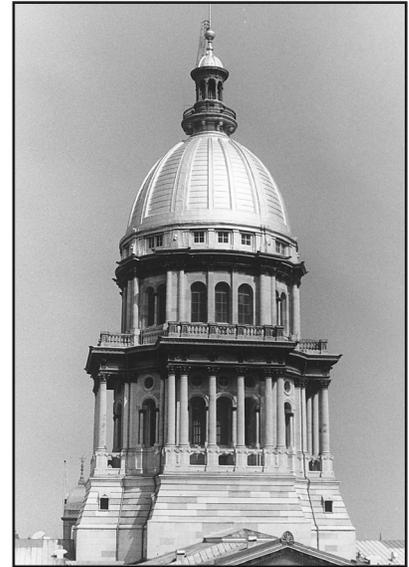
**Direct Deposit.** Pay to employees in the executive branch (unless covered by union agreements that do not require direct deposit), not made by direct deposit, will incur a \$2.50 deduction per paper warrant. If an executive-branch agency makes more paper payments to a vendor than a limit to be set by the Comptroller (not below 30), it must charge the vendor \$2.50 per added payment. State Prompt Payment Act interest amounts of under \$5 will be paid only on medical services reimbursements (H.B. 3449, Mautino-Eddy-Bost-Colvin-B.Mitchell et al.—Bivins).

**Elections.** A person running for election as a judge may file for only one vacancy in the same circuit or subcircuit per election. A state Senate candidate may not file over 3,000 signatures (1,000 is the minimum), and a House candidate may not file over 1,500 (500 is the minimum). Voters must apply for absentee ballots before each election for which they want to vote as

absentees. Military voters may send e-mail addresses to election authorities for sending ballots to them. The minimum number of signatures for putting a question of public policy on the ballot reverts to 8% of the total vote for all gubernatorial candidates in the last election for Governor (it rose to 11% in 2009). If a municipal primary election has been held for an office or position, the names of the two highest-polling candidates per person to be elected will go on the general election ballot (S.B. 1586, Harmon—Zalewski).

**Fraud Deterrence.** The Auditor General will have a fraud hotline for the public to report fraud in the state's executive branch. The Auditor General may do audits of alleged fraud, and refer cases for prosecution (H.B. 93, Franks-Mathias-Dugan-Sente-Crespo et al.—Garrett-McCann et al.).

**Freedom of Information Act.** A "recurrent requester" (as defined) may be required to pay a fee for compliance with further requests within 12 months. Requests from news organizations, and academic or nonprofit entities, for their purposes will not count. A public body may charge a commercial requester up to \$10 per hour for any time spent beyond 8 hours searching for a requested record. A commercial requester cannot seek review of a denial by the Attorney General's Public Access Counselor (except of the



agency's conclusion that the request was commercial), but can still file suit. Provisions for special scrutiny by the Public Access Counselor of denials on the ground that requested records would violate personal privacy, or consist of preliminary recommendations, are deleted (H.B. 1716, Currie-Bellock-M.Davis-Flowers et al.—Harmon-Althoff-Maloney-Sandack).

**Governor's Appointees.** An appointee to a position that requires Senate confirmation, and either is paid or is on a state university board, cannot stay more than 60 days after the term ends. A Governor's "temporary" appointment to an office requiring Senate confirmation will automatically end when the Senate next meets in substantive session, unless the Governor has nominated that person for the office by then. An "acting" gubernatorial appointee to a position requiring Senate confirmation may not serve more than 60 days unless the Governor has made a permanent nomination or the Senate requests another "acting" appointment. The Governor may not make an "acting" appointment of a person whose nomination the Senate of the same General Assembly rejected. These provisions do not apply to appointments to the State Board of Elections, or to be Director of the Illinois Power Agency (H.B. 2972,

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Turner-Lang—Cullerton). (This bill is to replace S.B. 1, on the same topics, which was amendatorily vetoed and died during the spring session.)

**Identification Cards.** The Secretary of State may issue Illinois and Illinois Disabled Person Identification Cards without pictures to persons having bona fide religious objections to them (H.B. 1484, Brown-Rose—Righter et al.).

**Identity Theft Prevention.** State agencies issuing numerous kinds of professional, occupational, or business licenses are to solicit Social Security numbers only in initial applications for licensing. An applicant for renewal or restoration will need to provide only the “customer identification number” issued by the licensing agency (H.B. 700, Smith-Yarbrough-W.Davis-Dunkin—Hunter).

**Legislative Districting.** *Congressional.* Districts for electing members of the U.S. House of Representatives in 2012 through 2020 are established (S.B. 1178, Raoul—Currie).

*State.* Districts for electing state legislators in 2012 through 2020 are established (S.B. 1177, Raoul-Muñoz-Noland-Haine-Holmes et al.—Currie).

**Lottery.** The Division of Lottery in the Department of Revenue once again becomes the Department of the Lottery (superseding Executive Order 03-9). It will be headed by a Superintendent appointed by the Governor with Senate confirmation, who must have substantial senior-level experience in lottery operation or consumer products marketing. The Superintendent’s political activities are restricted (S.B. 270, Cullerton—Madigan-Currie).

**Minority Groups Defined.** Definitions of “minority” in several laws intended to aid minority groups are made uniform, listing five minority groups: (1) American Indian or Alaska Native;

(2) Asian; (3) Black or African American; (4) Hispanic or Latino (no longer including persons of Portuguese ancestry); and (5) Native Hawaiian or Other Pacific Islander (H.B. 332, Berrios-Fortner et al.—Muñoz).

**Officers’ Pay and Expenses.** Provisions reducing legislators’ *per diem* payments to \$111 and travel reimbursement to 39¢ per mile are extended through fiscal year 2012. The Legislative Travel Control Board will set travel allowances for non-session days, subject to a limit of 39¢ per mile. Each legislator is also to forfeit 1 day of pay (now calculated as 1/261 of a year’s salary) per month in fiscal year 2012. No inflation adjustments will apply in fiscal year 2012 to the pay of offices whose pay was formerly set by the Compensation Review Board (S.B. 266, Kotowski-Wilhelmi et al.—Madigan-Currie).

**Open Meetings Act.** *Financial matters.* A public body may hold closed meetings between auditors (internal or external) and government audit committees, finance committees, etc. to discuss internal control weaknesses, fraud risks or known or suspected frauds, and fraud interviews (H.B. 1277, Rita-Duncan-Ramey-D.Harris—Martinez).

*Training.* Each existing member of a body that is subject to the Act must get electronic training within 1 year, and each future member must get it within 90 days after taking office. The training must come from the Attorney General’s Public Access Counselor, except that school board members may be trained by an association of school boards (H.B. 1670, K.Burke—Crotty-Dillard).

**Pensions.** *Chicago police.* Annual increases in pensions of Chicago police retirees hired after this act takes effect are limited to the lesser of 3% or half the annual increase in the Consumer

Price Index for All Urban Consumers. Increases will begin on the first January 1 after the later of age 60 or 1 year after retirement (H.B. 3376, McCarthy—Raoul).

*IMRF and other systems.* An employer under the Illinois Municipal Retirement Fund (IMRF) must post on-line (or post at its office and give location directions on its Website if any) any total compensation package of at least \$150,000 at least 6 days *before* approving it, and similarly post the total compensation of any employee exceeding \$75,000 per year within 6 days *after* adopting its budget. Sheriffs’ law enforcement employees hired after this measure is signed cannot buy credit in IMRF for other service. “Alternative” annuity plans for county officers may not be started by counties, or first chosen by county officers, after that date. Persons hired after that date by a theater, arena, or convention center in a Cook County municipality, if allowed to contribute to a multiemployer pension plan, cannot be IMRF members.

For persons becoming IMRF members after 2011, a provision now barring pay boosts in their last 3 months will apply to the last 2 years. If an IMRF employee’s earnings in any year used to calculate final compensation rise more than the greater of 6% or 1½ times the percentage increase in the Consumer Price Index-U (unless due to working more hours), the employer must pay the IMRF the resulting extra cost of the member’s pension. Before an IMRF employer increases the earnings of an officer, executive, or manager by 12% or more (other than due to a promotion or increase in work), the employer must pay the IMRF to figure a “pension impact statement” on the effects, which the persons authorizing the increase must sign.

Anyone becoming a member after 2011 of a public pension system other

(continued on p. 31)

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# Transportation

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*The General Assembly voted to standardize electronic toll collection in Illinois; create a commission to study and make recommendations for ways to establish high-speed rail; and exempt heavy vehicles from emissions testing.*

**Antique Cars.** Owners of vehicles over 25 years old may register them as “expanded-use antique vehicles.” Such vehicles’ use will be limited in November through March to going to and from antique auto shows, exhibitions, demonstrations, and servicing (like regular antique vehicles); but in April through October they may be driven without such restrictions. Owners must pay an added \$45 annual registration fee (H.B. 3256, Moffitt-Holbrook-Hatcher-D.Harris—LaHood et al.).

**Emissions Testing.** Effective next February, vehicles of model years before 2007 with weight ratings over 8,500 pounds, and all vehicles rated over 14,000 pounds, are exempted from the emissions testing required in some areas of the state. If it is not possible to check a vehicle’s on-board diagnostic system directly, inspectors may use its ‘Check Engine’ light (unless burned out) instead (H.B. 1093, Mautino—Jacobs).

**High-Speed Rail.** A commission is to be appointed by the Governor and legislative leaders, along with four state agency directors *ex officio*. The commission is to recommend to the Governor and General Assembly, by April 20, 2012, the best way to set up a public-private partnership for high-speed rail in Illinois and the Midwest (including recommended laws), with a followup report by February 2013 (H.B. 1966, D.Burke-Nekritz-Berrios-Winters-Soto et al.—Sandoval et al., **Vetoed**). (The Governor thought the proposed commission would duplicate

the functions of the “220 Advisory Committee” appointed in June 2011.)

**License Plates. Air Force.** The Secretary of State may issue Air Force license plates for a \$20 extra fee; \$15 of the initial fee and \$18 per renewal will support the Chanute Air Museum (H.B. 173, Tryon-Bellock-Moffitt-Rosenthal—Cultra).

**Other military.** The portions of additional fees for various military special license plates that previously went to the Secretary of State Special License Plate Fund will no longer be charged. Any amounts previously going to military-related charities are unchanged (H.B. 3172, Cavaletto-B.Mitchell-Franks-Moffitt-Holbrook et al.—J.Jones et al.).

**Toll Collection (Electronic).** Electronic toll collection system for roads or bridges (excluding existing toll bridges in Winnebago County) must be compatible with the system used by the Toll Highway Authority. Units of government with toll roads or bridges may make intergovernmental agreements with the Authority to provide for compatibility or to have the Authority provide collection or enforcement services (H.B. 1889, Rita-Mathias—Garrett).

**Transit. Buses on shoulders.** A 5-year pilot program will let transit buses use shoulders of some highways in the RTA region (including tollways with Toll Highway Authority consent). The Illinois Department of Transportation (IDOT), Regional Transportation



Authority (RTA), and the State Police will report to the General Assembly on its effects after 2 years (H.B. 1884, Rita-Fortner-May-Mayfield-Mathias et al.—Crotty-Sandoval-Noland-Maloney et al.).

**Senior riders.** The RTA must make available a “fare instrument” for riders aged 65 or above to use on all RTA-funded public transportation, except paratransit (H.B. 2874, Currie-Mathias-Feigenholtz-Riley-Colvin et al.—J.Collins-Mulroe et al.).

**Trucker GPS Routing.** Local governments are to report their preferred truck routes to IDOT, which is to post the information on-line. The Secretary of State’s curriculum and study guide for commercial drivers’ licenses (CDLs) must explain how GPS systems for truckers differ from those for general driver use. The Secretary is to put such information in a brochure to be kept at CDL licensing facilities (H.B. 1377, Zalewski-Coladipietro-Brauer-Kay—Raoul-J.Jones). □

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## State Government & Pensions *(continued from p. 29)*

than the General Assembly, Judges, and police and fire systems, who after retiring works under contract with the person's former public employer, will stop getting a pension from that system during such service. Persons who become members of several state boards and commissions after 2011 will not thereby become members of the State Employees' Retirement System. The same change will apply to retirement plans of the Chicago Transit Authority board, Regional Transportation Authority board, and transit boards under its jurisdiction (S.B. 1831, Raoul et al.—May-McCarthy-Poe-Nekritz-Schmitz et al.; some provisions are also in H.B. 1956, Nekritz et al.—Schmidt and H.B. 3253, May-McCarthy-Eddy-Nekritz-Feigenholtz et al.—Frerichs et al.).

*Police credit transfer.* For 60 days after this bill becomes law, a former Chicago police pension fund member can transfer up to 10 years' service credit to a downstate police fund with payment of any extra contributions needed (H.B. 1872, Kosel—Silverstein-Mulroe).

*Transit workers.* Any employee hired after this act takes effect by the Chicago Transit Authority or any transit authority supported by the Regional Transportation Authority will not get a pension under the Pension Code if convicted of a felony involving service to that employer (H.B. 3591, Mussman-Franks et al.—Mulroe).

**Purple Heart Day.** August 7 is designated as Purple Heart Day to honor persons wounded or killed in battle (H.B. 1537, Chapa LaVia-Franks-Crespo-Farnham-Sente et al.—Holmes).

**State Contracts.** Each bidder on a state construction contract must affirm in writing that it will maintain an Illinois office as the primary place of employment for workers on the project (H.B. 1375, Beiser-Sente—Clayborne).

**Surveillance Cameras.** By December 31, 2012, all state and local agencies having video surveillance cameras in transit systems or outdoors (except for traffic control and enforcement) must inform the Illinois Criminal Justice Information Authority about their cameras and policies for using them; the Authority must post the information annually on its Website. Camera locations need not be disclosed (H.B. 1948, Jakobsson-Rose-Currie-M.Davis et al.—Frerichs-Righter et al., **Amendatorily vetoed**).

**Minority and Women Vendors.** A section added by a 2009 law (P.A. 96-795) on Illinois Department of Transportation (IDOT) contracting with minority- and women-owned firms is modified to require evidence of recent discrimination as a requirement for such contracting. IDOT and the chief procurement officer for IDOT are to report annually to the General Assembly on any studies showing "egregious discrimination" and actions they plan to take to remedy it. After a hearing, those officers can take actions to remedy such discrimination, including establishing "target markets" for minority- and women-owned firms that are federally certified as disadvantaged businesses (S.B. 1923, Hutchinson-J.Collins-Hunter-Raoul et al.—W.Davis-Soto-Acevedo-Hernandez-Berrios et al.). □

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- Executive, legislative, and judicial appointment and federal grant tracking reports.
- A *Web Resources by Subject* page, with 33 subject categories of links to reliable data and information on the Web, including links to Illinois state agency and federal Web pages, information on education, health care, economics, pensions, and more.
- Information on internships, links to all state legislatures' Websites, and links to the Council of State Governments (CSG) and the National Conference of State Legislatures (NCSL).
- A fully digitized and searchable *Record of Proceedings, Sixth Illinois Constitutional Convention*.
- A *Constitutional Convention Referendum Resources* page, featuring information not previously widely available to the general public, including information on the 1970 convention and earlier conventions, and information about other referenda on holding conventions that were rejected by voters.
- Information about the LRU, including the agency's history, contact information, and Illinois General Assembly information and history.

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## Revenue

(continued from p. 24)

**Miscellaneous.** Riverboat gambling is to be allowed on Lake Michigan. The Par-A-Dice Casino in Peoria may relocate.

The Gaming Board must issue provisional licenses to qualified establishments that have applied for licenses for video gambling (S.B. 744, Link-Syverson-Trotter et al.—Lang-Eddy-DeLuca-Mayfield-Sacia et al.).

### Property Taxes

**High-Speed Rail Capital Costs.** If a railroad's value rises due to investment or construction, starting in 2010, under state or federal programs for faster passenger travel, the increases will be excluded from its assessments through 2019. Railroads must discuss such potential valuation increases in their annual reports to the Illinois Department of Revenue (IDOR) on changes in their properties (H.B. 1518, Currie-Golar et al.—Mulroe-Kotowski et al.).

**Tax Sales.** At least 10 days before a tax sale, the county collector may post on-line a list of delinquent properties with street addresses and Property Index Numbers (but not owners' names). An owner may pay delinquent taxes through the last business day before the sale; the county treasurer's office must be open from 8 to 4 that day and accept the payments. Home rule is preempted by both requirements. In conducting tax sales, collectors must either (1) use automated bidding systems programmed to accept the lowest legally allowed redemption bid, or (2) make video and audio digital recordings of all tax sales and keep them for 3 years. This act takes effect July 1, 2012 (H.B. 1218, Zalewski-Kay-Coladipietro-Holbrook-Beiser—Haine-McCarter).

### Sales and Use Taxes

**Schools.** Local sales taxes for school facilities (currently imposed by county boards by referenda) are to be imposed by referenda called by regional school superintendents at the request of school districts that together enroll over half the students in a county. Rates of any such taxes imposed by future referenda may be reduced only by referenda. Proceeds may be used for refunding of bonds sold for school-facility purposes (added to buying or building school facilities), if the taxes that were being used to retire those bonds are replaced by these sales taxes (S.B. 2170, Clayborne et al.—Verschoore-Eddy).

**Temporary Storage Exemption.** The exemption from sales and use taxes of property bought and temporarily stored in Illinois for later use out of state is extended 5 years through June 2016 (S.B. 401, Hutchinson-Harmon-B.Brady—D.Brady-Franks-Farnham-Sente-Bellock et al.).

### Miscellaneous

**Cigarette Sales.** Cigarette makers wanting to market cigarettes directly to retailers through representatives must get authorization from IDOR; it will not be given to those that have broken laws or not paid cigarette taxes. Each representative may sell up to 600 stamped original cigarette packs per year, bought from a licensed distributor, and may not have over 500 at a time. Cigarette makers employing such representatives must file monthly reports with IDOR on numbers of cigarettes bought and sold, and keep records for 3 years (S.B. 109, Haine-Kotowski et al.—Mautino).

**Offset Agreement.** IDOR may make a reciprocal offset agreement with the

State Comptroller and U.S. Treasury Department to intercept state payments to collect federal nontax debts, and to intercept federal payments to collect state tax or nontax debts (H.B. 1527, Lang-Pritchard-Moffitt—Althoff).

**Rate Disclosures.** IDOR must post on its Website rates of income, property, sales, and excise taxes, including sales and property tax rates by taxing district and fund, and statewide and local rates of excise taxes administered by IDOR. They must be updated annually for property and income taxes, and semiannually for excise taxes (S.B. 43, Garrett-J.Collins-Holmes et al.—Farnham-Franks-Sente-Chapa LaVia-Crespo). □

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## 2011 VETO SESSION

### October

19 Perfunctory

25, 26, 27 Session

### November

2 Perfunctory

8, 9, 10 Session

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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.

## **Agriculture Dept.**

*Agricultural areas annual report, 2010*  
A total of 114,976 acres in 54 agricultural areas in 22 counties are protected by Agricultural Areas Conservation and Protection Act. The largest area, in Jersey County, is 9,637 acres. Map shows counties with these areas and table lists number of acres in each. (505 ILCS 5/20.1; Dec. 2010, 5 pp.)

## **Arts Council**

*Biennial report FY 2009-2010*  
Council supports nonprofit organizations, community programs, governments, schools, universities, and artists. It awarded \$7.7 million in grants in FY 2010. (20 ILCS 3915/4; Jan. 2011, 10 pp.)

## **Attorney General**

*Collection statistics, 2010*  
State agencies referred 28,152 cases involving \$199.7 million owed to the state; Attorney General collected \$401.9 million (including past years). These data exclude \$283.8 million of tobacco settlement installments and \$236.3 million in estate tax. Including these, collections were \$922 million. (30 ILCS 205/2(j); Feb. 2011, 2 pp.)

## *Violent Crimes Victims Assistance Program, 2010*

Program awarded 310 grants totaling \$6.04 million to nonprofit social service and government agencies, focusing on child victimization, domestic violence, sexual assault, senior victimization, and DUI among others. (725 ILCS 240/5(8); Dec. 2010, 4 pp.)

## **Auditor General**

*Annual report, 2010*  
Auditor General made 121 financial and/or compliance audits of state agencies. Highlights: State lacked adequate controls to ensure that agencies' financial statements conformed with generally accepted accounting principles (GAAP); state's current financial reporting process does not allow a complete and accurate Comprehensive Annual Financial Report (CAFR) or Schedule of Expenditures of Federal Awards; Governor's use of outside legal counsel was not competitively procured or monitored; Illinois Power Agency failed to submit financial information; Department of Revenue overstated its liability to local governments and did not have adequate controls over income tax refunds; Southern Illinois Economic Development Commission paid a commission to Executive Director in violation of grant agreement; University of Illinois at Chicago's documentation for payroll and benefit spending was incomplete; Department of Public Health's grant awards and programs were not adequately documented; Department of Human Services lacked proper oversight of commodity inventories, and circumvented contracting process by hiring retired employees through University of Illinois; Court of Claims did not have proper controls over some part-time employees; Chicago State University did not process spending in compliance with Purchasing Card Policy and Procedures; Department of Human Rights did not have adequate financial records; and Department of Healthcare and Family Services did not provide requested documents

in a timely manner. Performance audits, done at legislative request, looked at the following among other topics: Village of Robbins' use of municipal economic development funds; annual review of Chicago Transit Authority's Employee Retirement Plan and Retiree Health Care Trust; annual review of ALL KIDS Insurance program; Department of Human Services' Office of Inspector General review; and review of Civil Service Commission's granting of exemptions from merit and fitness requirements (Jurisdiction B) of the Personnel Code. Auditor General also audits 48 regional offices of education and made 64 recommendations for improvement. (30 ILCS 5/3-15; March 2011, 40 pp.)

## **Central Management Services Dept.**

*Bilingual employees*  
CMS had 4 bilingual employees (all Spanish speakers) in March 2011. (5 ILCS 382/3-20; March 2011, 2 pp.)

## *Business Enterprise Program annual report, FY 2010*

Agencies and universities awarded \$810 million in contracts to businesses under Business Enterprise Program for Females, Persons with Disabilities, and Minorities, surpassing statutory goal of about \$480 million. Non-minority women-owned businesses received over \$276 million; minority-owned businesses over \$484 million; and businesses owned by disabled persons, over \$50 million. Lists 51 agencies' and 9 universities' goals and value of contracts under the program. (30 ILCS 575/8f; March 2011, 25 pp. + Executive summary)

## *Flextime positions, 2010*

The Personnel Code requires agencies to develop plans to reduce use of day care through flex time for eligible employees. Of 47,670 employees under the Personnel Code, 13,873 (29%) used flexible hours. Participation rose in 20 agencies but fell in 22. Among participants, 10,392 used flexible work hours, 2,797 worked full-time in compressed workweeks, 678 worked part-time, and 9 used job sharing. (20 ILCS 415/9(13); March 2011, 4 pp.)

(continued on p. 36)

## Bills With Governor's Action

All bills summarized in this issue of *First Reading* are listed below. Beside the number of each bill on which the Governor had acted by August is the Public Act number or other indication of his action. The following abbreviations are used for the Governor's actions on bills:

- AV     Amendatorily vetoed
- IV     Item and/or reduction vetoed
- V      Totally vetoed

Information on all 2011 bills and Public Acts, including their texts, is available at: <http://www.ilga.gov/>  
 Click on the "Bills & Resolutions" or "Public Acts" link near the top of the page for information on a given bill or Public Act.  
 Information on the General Assembly's workload over the years can be found at the LRU's page.

H.B.	Public Act 97-								
83	362	332	396	1338	117	1700	322	2107	61
93	261	653	441	1353	AV	1702	450	2109	62
103	98	700	400	1375	369	1703	405	2165	63
106	293	711	164	1377	291	1707	494	2167	64
116	54	785	165	1379	118	1710	289	2168	65
117	IV	806	551	1398	447	1712	AV	2193	565
123	IV	880	480	1415	370	1716	579	2249	281
124	57	1030	1	1425	169	1723	195	2267	407
132	IV	1079	AV	1476	449	1730	94	2590	380
141	21	1093	106	1484	371	1748	323	2595	193
143	465	1095	554	1485	210	1825	198	2874	271
147	466	1096	107	1487	265	1865	325	2875	302
159	315	1112	108	1488	558	1866	312	2902	89
166	241	1130	234	1503	320	1872	326	2903	90
167	153	1153	555	1513	120	1876	196	2927	581
173	243	1191	91	1518	481	1884	292	2935	303
176	262	1193	556	1521	321	1889	252	2972	582
190	AV	1195	469	1527	269	1908	560	2974	496
200	204	1197	7	1530	437	1928	299	2982	381
220	484	1216	503	1537	258	1948	AV	3010	410
233	467	1218	557	1547	360	1966	V	3025	483
237	548	1240	248	1549	150	1985	472	3034	235
263	154	1241	471	1558	266	2001	286	3042	194
268	316	1253	578	1574	575	2048	253	3090	546
275	103	1256	288	1576	251	2056	545	3115	570
277	468	1258	434	1593	29	2066	34	3134	382
279	485	1260	77	1656	172	2069	301	3172	306
286	245	1271	156	1658	376	2073	406	3178	V
295	155	1277	318	1659	AV	2084	438	3179	218
298	443	1297	112	1670	504	2086	495	3186	307
299	550	1311	115	1684	122	2093	254	3238	383
326	59	1317	436	1689	482	2095	580	3253	272
327	IV	1326	314	1698	18	2099	83	3256	412

H.B.	Public Act 97-	S.B.	Public Act 97-						
3273	384	4	2	744		1586	81	1918	V
3274	498	7	8	754	5	1589	237	1923	228
3275	78	43	353	840	393	1612	186	1943	612
3281	340	63	585	1035	475	1622	528	1950	189
3283	157	64	219	1037	267	1623	529	1996	536
3289	341	79	152	1038	160	1633	44	2004	313
3294	361	100	220	1043	457	1643	145	2062	AV
3300	572	106	387	1074	140	1669	224	2063	463
3315	414	107	197	1147	276	1699	147	2106	287
3358	343	109	587	1177	6	1739	162	2123	356
3365	158	123	589	1178	14	1744	AV	2134	357
3376	344	151	388	1228	597	1754	225	2149	429
3390	159	266	71	1234	515	1761	532	2168	203
3406	308	269	590	1248	179	1766	236	2169	239
3414	573	270	464	1279	92	1798	290	2170	542
3428	416	335	72	1306	576	1799	607	2172	75
3431	347	398	3	1321	476	1821	534	2185	233
3449	348	401	73	1342	423	1824	608	2190	431
3500	80	541	84	1471	523	1828	50	2193	391
3591	442	620	473	1533	96	1831	609	2255	358
3639	67	621	97	1539	602	1833	227	2267	311
3697	68	630	474	1554	184	1852	394	2270	432
3700	69	665	455	1555	142	1883	610	2405	53
3717	IV	670	456	1557	604	1907	611	2414	76
		673	592	1584	439	1914	477		

### Types of Actions Governor Can Take on Bills

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

#### Total Veto

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

#### Amendatory Veto

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

#### Item and Reduction Vetoes

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

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

(continued from p. 33)

### *Small Business Set-Aside Program, FY 2010*

Set-aside purchases were \$113.9 million. Business owned by minorities, women, and persons with disabilities got \$18.7 million (16.4%). The state had 64 types of set-aside services, involving 36 agencies, boards, or commissions. (30 ILCS 500/45-45(f); April 2011, 5 pp.)

### *State report printing summary, 2010*

Lists 9 agencies printing annual reports using CMS or outside printers. The 3,127 copies printed cost \$12,931. ICC printed the most copies: 1,000. (30 ILCS 500/25-55; Nov. 2010, 3 pp.)

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

#### *Inspector General's report, FY 2010*

The Inspector General investigates child deaths and serious injuries; looks into welfare system complaints; investigates and prosecutes licensure complaints; helps with criminal history checks; has a complaint hotline; acts as DCFS ethics officer; reviews and comments on proposed rules; and develops training models for caseworkers and supervisors. It received 84 child death reports; 9 were ruled homicides. The hotline took 1,168 calls. Lists recommendations to DCFS for improvements, and past years' recommendations and status. Summarizes cases of disciplined employees. (20 ILCS 505/35.5(h); Jan. 2011, 210 pp. + 2 appendices)

### **Commerce Commission**

#### *Accidents and incidents with hazardous materials on Illinois railroads, 2010*

Commission checked 15,743 railroad cars carrying hazardous materials and found violations in 1.7%. Of the 103 rail accidents with hazardous materials, 3 derailments released hazardous materials; 20 did not; and 80 hazardous releases occurred without derailment. Tables show place, railroad, material, suspected causes, amounts involved and released, and date of each incident. (625 ILCS 5/18c-1204(3); April 2011, 21 pp.)

### *Crossing Safety Improvement Program FY 2011-2015 Plan*

Lists \$196 million in proposed grade crossing safety improvements funded by Grade Crossing Protection Fund on local roads and streets for FYs 2011-2015. Subject to local fund match, plan includes 25 new or reconstructed grade separations, and automatic warning device installations or circuitry upgrades at 225 crossings. Low-cost improvements are planned at over 2,000 crossings.

Lists improvements by county. Preliminary data showed 78 collisions at public rail crossings in 2009, down 40% from 2008. (35 ILCS 505/8(c); April 2010, 8 pp. + 5 appendices)

### *Public utilities report, 2010*

Reviews major decisions and other activities in 2010, and overviews industries. Major electric utilities' 2009 average prices per kilowatt-hour were: Commonwealth Edison, 10.91¢; AmerenCIPS, 9.69¢; AmerenCILCO, 9.38¢; and MidAmerican, 6.07¢. Major gas utilities' 2009 average prices per therm were: AmerenCIPS, \$1.06; AmerenIP, \$1.05; Consumers Gas, \$1.02; Peoples Gas, 96.14¢; AmerenCILCO, 93.45¢; Atmos Energy, 91.08¢; Illinois Gas, 91.05¢; North Shore, 89.93¢; MidAmerican, 76.94¢; and Nicor Gas, 68.26¢. Also includes major water rates; status of appeals from ICC orders; federal action affecting state utility services; legislative recommendations; significant Commission decisions; and emission allowance reports. (220 ILCS 5/4-304; Jan. 2011, 70 pp. + 2 appendices)

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

#### *Business Information Center report, 2010*

The Center is a resource for business questions on state and federal requirements and regulatory processes, and assistance. In 2010 it handled 8,310 inquiries including 4,027 general business inquiries, 1,385 on licensing and registration, and 26 on international trade. (20 ILCS 608/15(q); Feb. 2011, 9 pp.)

### *Employment Opportunities Grant Program, FY 2010*

Program's goal is to help people in historically underrepresented populations enter and finish building trade apprenticeship programs. Lists 9 grantees in Cook County and 4 elsewhere. In 2010, 2,682 persons were recruited, 725 accepted, and 374 graduated. (20 ILCS 605/605-812(f); Dec. 2010, 4 pp.)

### *High Impact Business designation*

Navistar, Inc. and affiliates plan to invest \$205 million, resulting in retaining at least 1,500 jobs in Melrose Park, Lisle, and Joliet. It qualifies for Illinois High Impact Business tax credits and exemptions for up to 20 years, and for Public Utility Act exemptions for 5 years (more if reauthorized) if it meets investment and jobs minimums. (20 ILCS 655/5.5(h); Dec. 2010, 2 pp.)

### *State Mandates Catalog update, 2010*

Describes and categorizes 8 state mandates imposed on DCEO in 2010: 1 local government organization and structure, 5 personnel, 1 service, and 1 tax exemption. A completed State Mandates Catalog is to come out in 2011. (30 ILCS 805/4 and 805/7(c); undated, rec'd April 2011, 10 pp.)

### **Community College Board**

#### *Adult education and family literacy report, FY 2010*

Adult education programs served 122,816 students; 16,214 got GEDs. Of those who finished instruction, 8,865 earned money in the first quarter after exit; 79% remained employed in the third quarter. Adult instruction providers include community junior or technical colleges (39); local education agencies (26); community-based organizations (26); faith-based organizations (3); 4-year colleges (1); and Department of Corrections (1). (105 ILCS 405/2-4; undated, rec'd March 2011, 4 pp.)

### *Biennial report, 2009-2010*

The Board oversees 48 colleges in 39 community college districts. Over 14,900 baccalaureate or transfer degrees were earned in FY 2009, and nearly 16,000 in FY 2010. In FY 2009,

36,785 career and technical degrees were earned, and 39,581 in FY 2010. In 2009, 78,749 high school students enrolled in dual credit/dual enrollment courses. (110 ILCS 805/2-10; Feb. 2011, 15 pp.)

#### **Corrections Dept.**

*Quarterly report to the legislature, April 1, 2010*

On February 28, 2010, adult facilities had 46,339 residents—35% over rated capacity of 34,301. Total population in adult transition centers was 1,153 (127 below capacity of 1,280). Ratio of security staff to residents was 1:6. Enrollment in educational and vocational programs was 8,236 (unduplicated). Nearly all prisoners were double-celled (68%) or multi-celled (24%), with about 37 square feet of actual living area each. (730 ILCS 5/3-5-3.1; Apr. 2010, 11 tables)

#### **Discharged Servicemember Task Force**

*Annual report, 2010*

Task Force met four times in 2009-2010 to identify gaps in services for returning veterans. Recommends a “veteran” identifier on drivers’ licenses and ID cards, and an appropriation for advertising veterans’ benefits. (20 ILCS 2805/20; Dec. 2010, 10 pp.)

#### **Education, State Board of**

*Annual report, 2010*

Public school districts declined by 1 to 868 in 2009-2010; enrollment also fell, from 2.07 million in 2008-2009 to 2.06 million in 2009-2010. The chronic truancy rate was 3.6%; dropout rate 3.8%; and elementary pupil-teacher ratio, 18.2:1. Low-income students were 45.4%; students with disabilities declined from 318,461 in 2008-2009 to 312,533 in 2009-2010. Total funding of Illinois schools was \$28.57 billion: \$15.03 billion (52.6%) local; \$9.89 billion (34.6%) state; and \$3.63 billion (12.7%) federal. Statewide operating spending per pupil was \$10,821 in FY 2009. (105 ILCS 5/1A-4(e); Jan. 2011, 59 pp.)

#### *Capital needs assessment survey, 2010*

The 618 school districts responding to the survey reported \$9.9 billion in capital needs for new schools, additions, and repairs. Consolidation is being considered by 59 districts. Districts are using 596 temporary classrooms, and 1,093 added classrooms are needed for pre-kindergarten and kindergarten classes. Overall, districts need \$7.7 billion to upgrade 21,117 buildings; over \$3.7 billion of that is to meet current health, life, and safety requirements. (105 ILCS 230/5-60; Dec. 2010, 4 pp.)

#### *Catalogue of reports, 2010*

Board filed 23 reports with the General Assembly in 2010. They included 2009 annual report and annual statistical report, plus reports on mandates and mandate waivers; “Preschool for All” funding; charter schools; and school breakfast incentives. (105 ILCS 5/2-3.87; Jan. 2011, 6 pp.)

#### *Educational mandates report, 2010*

In 2009-2010, 15 new laws imposed 15 mandates on schools; 12 were expected to have no added cost, and 3 had undetermined costs. Lists mandates. (105 ILCS 5/2-3.104; Feb. 2011, 3 pp.)

#### *Waivers of school mandates, fall 2010*

Classifies 80 waiver requests into 10 categories and lists status: Content of evaluation plans (1 transmitted to General Assembly); driver education (33 transmitted, 3 approved); school holidays (1 approved, 4 withdrawn or returned); limiting administrative costs (11 transmitted, 1 withdrawn or returned); nonresident tuition (9 transmitted, 1 withdrawn or returned); parent-teacher conferences (1 withdrawn or returned); physical education (10 transmitted); school improvement/in-service training (2 transmitted); and transitional bilingual education administrators (1 approved, 1 denied by State Board). Describes each request and lists waivers by legislative district. (105 ILCS 5/2-3.25g; Oct. 2010, 17 pp. + executive summary)

#### **Environmental Protection Agency**

*Nonhazardous solid waste management and landfill capacity report, 2009*

Illinois’ 44 landfills received 46 million cubic yards of waste, 8.2% less than 2008. Total landfill capacity declined less than 1% and will last 24 years at 2009 dumping rates. Waste was handled as follows: 63% landfilled, 34% recycled, 3% composted. (415 ILCS 20/4; April 2011, 17 pp. + appendices, maps, and tables)

#### **Healthcare and Family Services Dept.**

*Medicaid annual report, FY 2008-2010*  
Program spent \$12.8 billion in FY 2010, serving an average of 2.9 million people through 62,083 providers. DHFS is finalizing contracts with two managed-care organizations to provide a full spectrum of Medicaid services to 40,000 adults with disabilities or older adults in DuPage, Kane, Kankakee, Lake, Will, and suburban Cook County. Illinois Healthy Women federal waiver increased availability and use of family planning, preventing an estimated 9,795 births and saving \$61.5 million. Illinois was awarded one of 10 grants by the Centers for Medicare and Medicaid Services to experiment and assess ways to improve children’s health care in Medicaid and CHIP. (305 ILCS 5/5-5 and 5/5-5.8; April 2011, 85 pp.)

#### *Summary of results of Executive Order 07-2 (2007)*

Child support enforcement collection was transferred from Department of Revenue to Department of Healthcare and Family Services. The transfer was smooth and streamlined collections and services. DHFS Collection and Asset Recovery Unit collected \$18.1 million in FY 2009. (15 ILCS 15/11; undated, rec’d April 2011, 2 pp.)

#### **Higher Education, Board of**

*Report on gender equity in intercollegiate athletics, FY 2010*

Seven universities awarded 580 gender equity tuition waivers worth \$3.5 million. Since the waivers began in 1996, 74% more females participate in athletic programs and funding to female athletic programs has risen 234%. (110 ILCS 205/9.24; April 2011, 17 pp. + 3 appendices)

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

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### *Underrepresented groups in higher education, 2010*

Undergraduate enrollment of minority students at Illinois colleges and universities rose 24% from 1999 to 2009. By race, increases were: Hispanic, 39%; African American, 18%; Native American, 12%; and Asian, 8%. Fall 2009 enrollees were over 60% female in master's programs, and over 54% in doctorate-level professional programs. (110 ILCS 205/9.16; Feb. 2011, 16 pp. + 5 appendices)

### **Human Services Dept.**

#### *Autism program report, 2010*

Describes Autism Task Force's progress in addressing early intervention for children with autism; improving family support so people with autism can stay in homes and communities; services for transition from public schools; and section 1915c waiver for people with autism. Accomplishments include launching Airport Accessibility initiative with Chicago Department of Aviation to provide on-line support for travel, and opening Resource Center for Autism and Developmental Delays with books, materials, games, and other items for loan. (20 ILCS 1705/57.5; Jan. 2011, 16 pp.)

#### *Bilingual staffing report, April 2011*

Department had 983 bilingual employees, who knew sign language, Braille, or one of 10 spoken languages, in March 2011. Identifies employees and languages spoken. (5 ILCS 382/3-20, April 2011, 29 pp.)

#### *Child care report, FY 2010*

Department spent \$794 million on employment-related child care aid, helping an average of 89,900 families with 168,000 children. Average monthly cost per child was \$418 including subsidy and co-pay. Maximum income for a family of three was \$36,624. Among participants, 94.8% are single parents and 51.8% are at or below federal poverty threshold (\$22,050 for family of four).

(20 ILCS 505/5.15; undated, rec'd Apr. 2011, 19 pp.)

#### *Homeless Prevention Program, FY 2010*

Program was allocated \$2.4 million in FY 2010. It served 2,620 households, 59% of which had children under 19. The 21 centers served an average of 124 households, spending an average of \$916 each. Among households aided, 88.5% kept their housing (with Program assistance) at least 4 months after getting assistance. (310 ILCS 70/13; April 2011, 26 pp.)

#### *Investigatory work group report on abuse and neglect of disabled persons, 2010*

Work Group met March-December 2010. Recommendations include: (1) have a central hotline for reporting abuse of adults with disabilities and the elderly; (2) require state facilities to check abuse and neglect registries before hiring staff; (3) set consistent criteria for registry addition and removal; (4) require reporting of use of restraints and isolated timeouts in all schools; and (5) create more work groups to make recommendations on funding sources and implementation. (H. Res. 201 [2009]; March 2011, 27 pp.)

#### *Specialized alcohol & drug treatment services for women plan, 2011-2013*

This is the seventh women's plan of the Committee on Women's Alcohol and Substance Abuse Treatment for Illinois Advisory Council on Alcoholism and Other Drug Dependency. Recommendations include: have family-centered services for women with substance-abuse problems; increase training and credentialing for substance-abuse treatment professionals; and increase treatment models for women in the criminal justice system. (20 ILCS 301.10-10 (e); Jan. 2010, 52 pp.)

#### *Streamlined auditing & monitoring of community-based services, 2011*

Recommendations by Departments of Human Services, Healthcare and

Family Services, Children and Family Services, and Public Health include: establish central repository of information required of providers with state contracts; put all Medicaid compliance requirements in one document; standardize fiscal report formats across agencies; and develop databases usable with all provider agencies. (20 ILCS 1305/1-37(e); Dec. 2010, 57 pp.)

### **Insurance Dept.**

#### *Annual report, 2009*

The Office of Consumer Health Insurance helps consumers with health insurance needs and reports trends in the health insurance marketplace. Describes types of calls received; Office's staff activities; efforts to expand public knowledge; and government actions and recommendations for improvement. Office received 20,785 calls; ombudsman had 1,343 calls. Exhibits give numbers, types, and dispositions of complaints against HMOs; calls by ZIP Code and month; subjects of calls; and top five materials sent to consumers. (215 ILCS 134/90(a)(7); Jan. 2010; rec'd June 2010, 48 pp. + 8 exhibits)

#### *Insurance cost containment report, 2010*

Policyholders paid \$19.5 billion in direct written premiums in 2008 (5.3% of national total). Losses divided by direct earned premiums rose from 58.0% in 2007 to 66.7% in 2008. A measure of market shares showed the market for medical malpractice insurance as more concentrated than for other lines. (215 ILCS 5/1202(d); April 2010, 38 pp. + 5 appendices)

### **Juvenile Justice Dept.**

#### *Quarterly report to the legislature, January 2010*

On November 30, 2009, juvenile institutions held 1,177 youth—32.9% below rated capacity. Ratio of security staff to youth was 0.560:1. Most youth were single-celled (62%) or double-celled (33%), with about 96 square feet of living area each. No capital projects were funded. (730 ILCS 5/3-5-3.1; Jan. 2010, 9 tables)

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## **Legislative Information System**

*Biennial report, 2009-2010*

A new appointment message system for legislators' laptops was introduced in 97th General Assembly. FY 2009-2010 spending was \$10.7 million. FY 2011 appropriation is \$6.76 million. (25 ILCS 145/5.07; April 2011, 35 pp.)

## **Lottery**

*Annual report, FY 2009*

Revenues were \$2.08 billion, of which \$1.11 billion (53.8%) came from instant ticket sales. Retailers got \$104 million in commissions. Transfers to Common School Fund were \$625 million; to Veterans Fund, \$1.2 million; and to Ticket for the Cure, \$1.1 million. Overviews games offered, events and promotions, and retailers; includes financial statements. (20 ILCS 1605/7.8; undated, rec'd March 2011, 71 pp.)

## **Mid-America Medical District Commission**

*Report, 2009-2012*

Commission first met in March 2009. Activities include completing Master Plan and naming Advisory Council. Plans for 2011-2012 include amending zoning ordinances; establishing Commission as a tax-exempt entity; and preparing a capital improvement and public services plan. (730 ILCS 930/10 (f); Feb. 2011, 4 pp.)

## **Motor Vehicle Theft Prevention Council**

*Annual report, FY 2010*

Council spent \$6.4 million and made \$6.6 million in grants. In 2008, 70% of stolen vehicles were recovered (after an average of 18 days) and 5,705 arrests for vehicle theft were made. Since 1991, motor vehicle thefts dropped 56%. (20 ILCS 4005/7(g); March 2011, 21 pp.)

## **Music Entertainment Pyrotechnics Task Force**

*Report, 2010*

Describes history of pyrotechnics laws in Illinois; lists recommendations in 2010 and findings supporting them.

They included requiring licensed pyrotechnic companies to get several kinds of insurance; allowing only authorized persons to provide pyrotechnic displays and services for music entertainment; and changing some definitions in Pyrotechnic Distributor and Operator Licensing Act. (225 ILCS 227/97; Dec. 2010, 23 pp.)

## **Plastic Bag Recycling Task Force Report, 2010**

Plastic Bag Recycling Act (2008) created the Task Force and a voluntary plastic bag recycling pilot program for some Lake County retailers. Nine businesses with 76 locations enrolled in it, collecting 259,183 pounds of plastic film with estimated market value of \$26,000. Reports on design and implementation; results and findings; and recommendations to help with future programs. The act sunsetted June 1, 2010. (415 ILCS 82/15(b); May 2010, 19 pp. + 23 appendices)

## **Property Tax Appeal Board**

*2010 Annual Report*

Lists by county total reduction requests of at least \$100,000, cases decided, and change in assessed value in 2003 through 2009 (industrial and commercial appeals only). Board closed 10,421 residential appeals in 2010, versus 9,914 in 2009. (35 ILCS 200/16-190(b); Feb. 2011, 12 pp.)

## **Public Health Dept.**

*Obesity prevention hearings report, 2010*

Obesity Prevention Initiative Act required IDPH to hold 3 hearings on obesity. It had hearings in Chicago, Springfield, and Carbondale with 115 witnesses. Recommendations include: community recreation space as part of urban planning; transportation options allowing safe walking or biking; improving nutrition in school lunches; and creating workplace environments promoting wellness. (410 ILCS 115/10; Dec. 2010, 26 pp.)

*Stroke Task Force report, 2010*

Task Force met twice in 2010. Accomplishments included putting a

30-minute video on hypertension on the Department's Website; creating a subcommittee to address stroke needs in rural areas; and working on protocols for transporting acute stroke patients to most appropriate treatment center. Task Force spent no state funds. (20 ILCS 2310/2310-372; Jan. 2011, 7 pp.)

## **Sentencing Policy Advisory Council**

*Annual report (amended), 2010*  
Council met to examine how sentencing policies and programs affect criminal justice system. Meetings included presentations from directors of Pennsylvania and Virginia sentencing commissions (among the oldest and most effective in the country). Council is working to eliminate data gaps as agencies upgrade computer systems. (730 ILCS 5/5-8-8(f); undated, rec'd Jan. 2011, 12 pp.)

## **Sports Facilities Authority**

*Annual report, 2010*

Authority repaired and replaced concrete on pedestrian ramps, completed second phase of chiller replacement program, and finished first phase of air-handling system renovations at U.S. Cellular Field. On June 30, 2010, total assets were \$386.5 million and total liabilities were \$467.8 million—a negative equity of \$81 million. (70 ILCS 3205/18; undated, rec'd March 2011, 20 pp.)

## **State Employees' Retirement System, Social Security Division**

*Social Security biennial report, 2010*

At 2010 yearend, 4,598 local governments extended Social Security to employees; 3,207 (nearly 70%) were also under the Illinois Municipal Retirement Fund. Chicago and Cook County have other retirement systems and are not in Social Security. (40 ILCS 5/21-120; undated, rec'd March 2011, 12 pp.)

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## FIRST READING

A publication of the Legislative Research Unit

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

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### Supreme Court

*Court-annexed mandatory arbitration,  
FY 2010*

This program began in 1986 and operates in 16 counties. In 2010, the Alternative Dispute Resolution Coordinating Committee created a new form for collecting arbitration statistics, and a new survey to measure user satisfaction. There were 40,229 cases in arbitration in FY 2010, with 30,245 (75%) of them disposed of; 9,084 arbitration

hearings were held, 2,304 awards accepted, and 4,421 rejected. Only 502 cases went on to trial. (735 ILCS 5/2-1008A; undated, rec'd Feb. 2011, 21 pp. + 6 appendices)

### Teachers' Retirement System

*Emerging investment manager's report, FY 2010*

Minority-, women-, disabled-, and veteran-owned firms managed \$3.8 billion of TRS' portfolio in FY 2010. TRS had 22 firms managing 28 portfolios, up by 3 from FY 2009. Assets managed by them rose \$630 million from FY 2009. (40 ILCS 5/1-109.1(8); Aug. 2010, 34 pp.)

### Transportation Dept.

*Diesel emissions annual report, June 2010-June 2011*

Department's Diesel Testing Program is in 9 counties and 3 townships with 52 public and 29 private testing stations. It inspected 3,997 vehicles, passing 3,804 and failing 27; 166 tests were invalid. (525 ILCS 5/13-102.1; June 2011, 2 pp.)

*Highway Improvement Program, FY 2010-2015*

The \$14.314 billion, 6-year plan includes \$7.499 billion in federal, \$6.111 billion in state, and \$704 million in local funds. It proposes: (1) \$1.028 billion for interstate resurfacing; (2) \$352 million in safety improvements; (3) \$2.522 billion in bridge maintenance; (4) \$3.141 billion to address traffic congestion, including a new bridge over the Mississippi River near East St. Louis; and (5) \$1.011 billion for new roads to increase economic development. (20 ILCS 2705/2705-200; July 2009, 25 pp. + 10 project lists + 2 appendices)