



# FIRST READING



ILLINOIS GENERAL ASSEMBLY LEGISLATIVE RESEARCH UNIT

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## 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 631 bills passed both houses in the spring 2013 session. This issue also summarizes the most important bills that passed the General Assembly in the fall 2012 veto session, after the last bill summary issue of *First Reading* was published in August 2012 (Volume 26, No. 1), and became law. Such 2012 bills are summarized below the 2013 bills in each category. This issue summarizes 250 bills of general interest, classified into 13 categories.

Major laws from the spring 2013 session authorize concealed carrying of firearms by persons who get training and permits; create a legal framework for a major new airport in Will County to reduce O’Hare congestion; allow “fracking” with strict regulation to release oil and gas; and prohibit handheld cellphone use by drivers starting in 2014.

Other new laws prohibit sales to minors of nontobacco products that deliver nicotine, other than federally approved smoking-cessation products; require any adult who observes child sex abuse, and any school official who witnesses hazing, to report it; allow veterans’ relevant military training to be recognized in some occupational licensing; and make changes to Illinois law due to the federal Patient Protection and Affordable Care Act.

Page 28 of this issue gives Public Act numbers for laws resulting from bills summarized here. Information on all bills of the 2013 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 2014 is \$68.4 billion—\$2.7 billion over FY 2013's \$65.7 billion. Appropriations from the General Funds rose 0.9%, from \$30.8 billion to \$31.1 billion.**

The state's operating budget for FY 2014 was passed in seven bills. The Governor item-vetoed legislative salaries and leadership stipends, and also item-vetoed one item that had been appropriated twice in separate bills, eliminating one of them. The General Assembly did not act on those item vetoes.

The General Funds budget includes about \$6.1 billion for the state's retirement systems—up \$853.7 million (TRS up \$712 million, SURS up \$55 million, SERS up \$49 million, JRS up \$39 million, and GARS down \$0.3 million).

Other agencies getting the largest dollar increases are Healthcare and Family Services (\$1.51 billion, + 8.3%); Lottery (\$188 million, + 18%); State Board of Education (\$184 million, + 1.9%); Treasurer (\$114 million, + 3.8%); and Commerce and Economic Opportunity (\$102 million, + 5.8%).

Most of the DHFS increase was for paying Medicaid bills; but over \$1 billion is appropriations authority that will not be needed for the Department to maintain timely bill processing and likely will not be spent. The Lottery increase is appropriations authority for prizes, in case it has to pay a large multistate lottery prize. The ISBE increase was mostly to maintain the recent level of prorated payments at 89% of the Foundation Level; but additional appropriations authority was included for federal Title I funds (although ARRA funds are decreasing) and helping school districts that need financial assistance. The increase for the Treasurer's office was to pay debt service and protest interest. The DCEO increase

was primarily for a federally guaranteed loan program for physical and economic revitalization projects. DCEO appropriations for job training programs also rose.

The agencies with the largest dollar declines are Central Management Services (-\$236.8 million, -4.2%); Comptroller (-\$211.9 million, -56.8%); Emergency Management Authority (-\$123.6 million, -20.6%); Aging (-\$79.7, -6.6%); and Employment Security (-\$30.3 million, -7.9%).

The CMS decrease results mostly from one-time appropriations last fiscal year (2013) to cover prior underfunding. Group insurance appropriations also fell about \$100 million. The decrease to the Comptroller resulted from appropriations added last fiscal year to reduce the unpaid bills backlog; appropriations for office operations remained level. The IEMA decrease is from federal grants, mainly for homeland security; the decreases are mostly lower appropriations authority, but some older grants are also ending. The Department on Aging decrease was primarily because supplemental appropriations last fiscal year eliminated prior-year liabilities in the Community Care Program, and those funds will not be needed in this fiscal year (2014). The DES decrease is from reduced federal funds for administering the state's unemployment insurance program.

Elementary and secondary education gets about \$895 million more (+7.2%) from all funds—primarily due to the increases in General Funds for the Teachers' Retirement System and for General State Aid. Local education's share of the total budget rose from 18.9% to 19.4%; its share of General Funds rose

from 30.3% to 32.8%. The Foundation Level per student will remain at \$6,119, although actual payments will remain prorated at 89% of that level.

Higher education appropriations from all funds rose about \$104 million, largely due to the increase for SURS; appropriations for the universities themselves rose only \$3.8 million. The percentage of the total state budget going to higher education fell from 5.9% to 5.8%; but higher education's share of General Funds appropriations grew from 10.5% to 10.6%.

General obligation bond authority was increased by about \$2.3 billion for roads, rails, schools, and other facilities. Build Illinois bond authority was increased by about \$543 million.

Total appropriations for operations were about \$2.1 billion (3.1%) over the Governor's budget recommendation; General Funds appropriations were about \$98 million (-0.3%) below his recommendations.

The General Assembly also voted to forego inflation adjustments and impose furloughs on legislators in FY 2014. □

*Thomas J. Bazan*  
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(Key: \* means item-vetoed)

FY 2014 Budget

**P.A. 98-27**, enacted by H.B. 213 (Madigan—Cullerton-Steans).

**P.A. 98-33**, enacted by H.B. 208 (Madigan-Dunkin-M.Davis-Jefferson—Cullerton-Kotowski).

**P.A. 98-34**, enacted by S.B. 2555 (Cullerton-Steans-Kotowski-Delgado-Trotter et al. —Madigan-W.Davis).

**P.A. 98-35**, enacted by S.B. 2556 (Cullerton-Steans-Kotowski-Trotter-Martinez—Madigan-Dunkin-M.Davis-Flowers).

**P.A. 98-50**, enacted by H.B. 215 (Madigan—Cullerton-Kotowski-Trotter).\*

**P.A. 98-64**, enacted by H.B. 214 (Madigan—Cullerton-Steans).\*

FY 2014 Appropriations and FY 2013 Supplemental Appropriations

**P.A. 98-17**, enacted by H.B. 206 (Madigan—Cullerton-Steans-Trotter).

Capital Reappropriations

**P.A. 98-50**, enacted by H.B. 215 (Madigan—Cullerton-Kotowski-Trotter).\*

FY 2013 Supplemental Appropriations

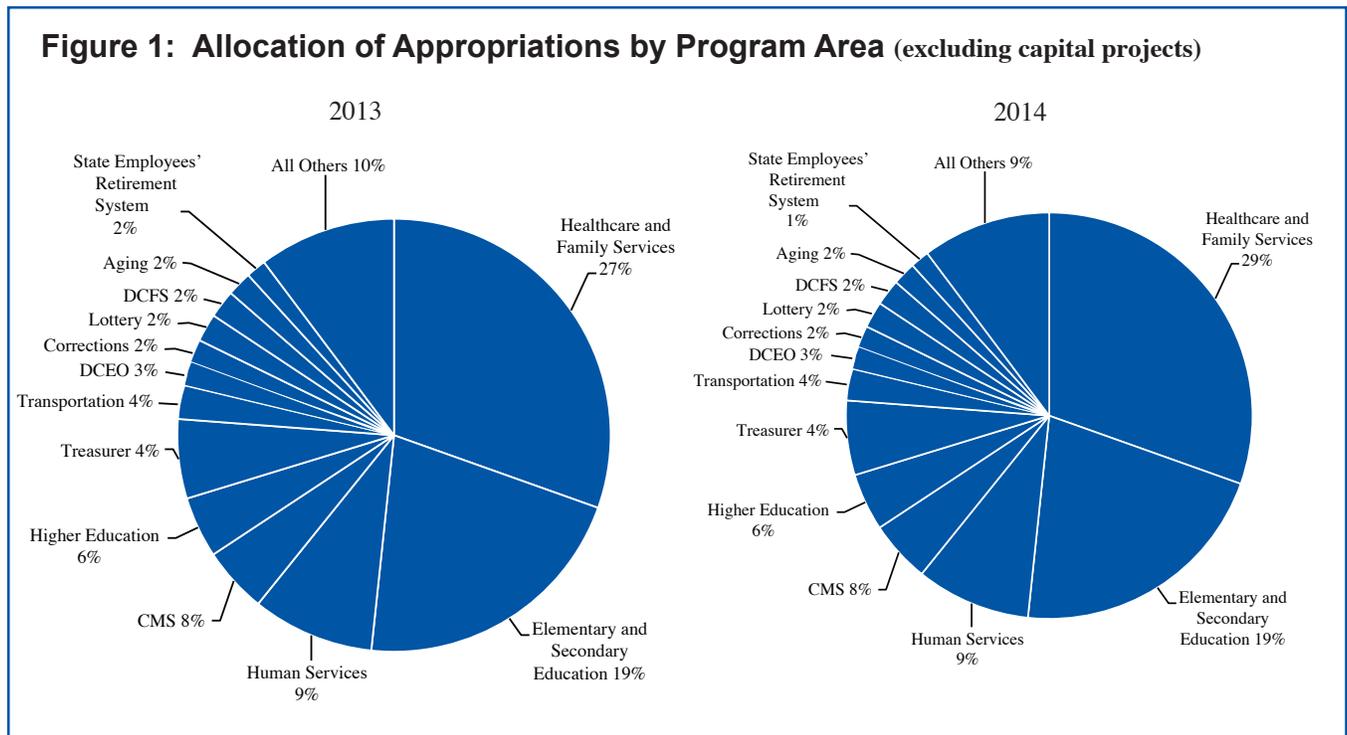
**P.A. 98-11**, enacted by H.B. 207 (Madigan-Harris-Welch-Flowers-M.Davis et al. —Steans-Collins et al.).

FY 2013 Supplemental Appropriations, including capital

**P.A. 98-1**, enacted by H.B. 190 (Madigan et al. —Kotowski-Delgado-Koehler).

Budget Implementation

**P.A. 98-24**, enacted by S.B. 1329 (Kotowski-Trotter—Madigan-Currie).



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# BUSINESS & ECONOMIC DEVELOPMENT

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*New laws lay the basis for building a major airport in Will County to reduce crowding at O'Hare; make several changes in telecommunications, electric, and gas utility regulation; and make adjustments in the regulation of video gaming and charitable games. Other new laws tighten pawnbroker regulation, and requirements to report information on persons employed under public contracts.*

**Beer (Home Brewed).** A person who is at least 21 can brew up to 100 gallons (200 if two or more such persons live in the residence) per year of beer or other fermented alcoholic beverages, not for sale. Such a beverage can be served, at no additional charge for its consumption, at events outside the residence with a \$25 homebrewer special event permit, subject to statutory limits on sample sizes. State liquor taxes will not apply to such homemade beverages (H.B. 630, Farnham-Tryon—Holmes).

**Contract Workers. Classification.** Corporate officers and agents can be held liable for knowingly designating employees improperly as contractors. An administrative (formerly judicial) process for deciding charges of misclassification is created. The maximum civil penalty per violation is reduced from \$1,500 to \$1,000 (\$2,000 for a repeat violation within 5 years). Affected employees will get 10% of those penalties, and the Director of Labor 90% (H.B. 2649, Arroyo-Zalewski-Martwick-Lang-D'Amico—Cunningham-Martinez-Raoul-Delgado).

**Reporting.** A construction contractor must report to the Illinois Department of Labor all payments to persons, sole proprietorships, and partnerships (except "responsible bidders" under the Illinois Procurement Code) for construction work not performed as employees. Retailers and wholesalers are exempt (H.B. 923, Hoffman-Arroyo-Moylan-D'Amico et al.—Noland-Manar-Raoul et al.).

**Disadvantaged Businesses.** The Department of Transportation may make loans to disadvantaged businesses (as defined in U.S. Department of Transportation regulations) that work on its construction contracts, using a new Working Capital Revolving Loan Fund that will be funded from the Road Fund (H.B. 3267, W.Davis-Ford-Welch-Riley-Lilly et al.—Hunter-Collins-Clayborne-Manar-Harmon et al.).

**Gaming, Minority, etc. licensees.** The Racing Board and Gaming Board must set and seek to enforce goals for percentages of racetrack, inter-track, and riverboat licenses to go to businesses owned by minorities, women, and persons with disabilities (S.B. 1354, Sandoval-Muñoz-Hastings-Raoul—W.Davis-Smith-Welch et al.).

**Miscellaneous.** The limit on charitable-games nights per location is increased from eight per year to one per month (or for a municipality, from 16 per year to 48). Limits on winnings are doubled to \$20 per house-banked game and \$500 per night. The Department of Revenue will get 5% of net (formerly 3% of gross) charitable games proceeds. The Department may authorize an establishment licensed for video gaming to host charitable games also. The Illinois Gaming Board can contract with one or more testing labs to test equipment used in riverboat or video gaming (H.B. 996, Lang—Haine).

**Video gaming.** The ban on a video gaming license for a bar, veterans' or fraternal club, or truck stop that has a liquor license and is near a school or church will not apply if the school or church



came to the neighborhood after the establishment got its initial liquor license (S.B. 70, Koehler et al.—Gordon-Booth).

Licensed video gaming locations may sell and accept electronic tokens in lieu of cash. No licensee may develop or use performance data on devices or games. The Gaming Board can set standards for video gaming advertising. Licensed terminals are exempted from the Criminal Code's definition of "gambling device," and gambling losses from video gaming are not recoverable in civil suits (S.B. 1738, Link—Mautino-Mayfield-Williams-Verschoore-Beiser et al.).

The Video Gaming Act's definition of "Licensed establishment" is clarified as including nonprofit places that serve liquor. The Gaming Board can investigate more kinds of interests behind applicants for video gaming licenses (S.B. 2371, Frerichs-Manar-Syverson-McGuire—Hays-DeLuca-Walsh-Beiser-Farnham et al.).

**Gas Utilities** with at least 100,000 customers must report annually starting in April 2014 on safety and service reliability, and goals for improvement. If the Illinois Commerce Commission finds that improvements are not being made, it may require a remediation plan. A gas utility with over 700,000 customers may propose a rate surcharge to fund safety and efficiency upgrades. If the Commission approves, a requirement that any gas utility not contracting for synthetic natural gas

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must make rate filings with the Commission in 2012, 2014 and 2016 will not apply to the utility, and a filing already made under that requirement can be withdrawn (S.B. 2266, Koehler-Rezin-Haine-Martinez et al.—Phelps-Bost-E.Sullivan-Smidly et al.).

**Hearing Aid Sellers** may sell through the Internet (added to mail order) if they comply with extensive disclosure requirements (H.B. 530, Zalewski-Pihos—Martinez).

**Jobs; Unemployment Insurance.** Contractors with agencies in the executive branch (except those that also have union contracts and do construction work) must post job vacancies on the Department of Employment Security’s IllinoisJobLink.com site, or link from their Websites to it. Employers, if allowed by the Department, may pay contributions and other amounts under the Unemployment Insurance Act electronically. Penalties for filing fraudulent quarterly wage reports are increased for larger amounts underpaid (H.B. 3125, Mautino—Forby et al.).

**Liquor Distribution.** To preserve the state’s three-tier system of regulating alcoholic beverage distribution, no entity with any interest in making beer may be licensed as a distributor or importing distributor; and no entity so licensed may have an interest in a beer maker beyond owning up to 5% of the shares of a publicly traded brewer. The Illinois Liquor Control Commission is to require disclosure of any such financial connections, and require divestment by 2015 if mandated by this act (H.B. 2606, Mautino-Leitch-Lang-D.Harris-Sims et al.—Muñoz-Link-Trotter et al.).

**Pawnbrokers.** The Department of Financial and Professional Regulation can impose a civil fine up to \$10,000 (formerly \$1,000) per day (formerly per violation) of any state or federal law affecting pawnbrokers (formerly only of the act or a regulation or order

under it) (H.B. 101, W.Davis—Clayborne-Harmon).

**“Poker Runs”** (involving traveling to five or more locations to draw playing cards or similar items at each place) are authorized at charitable-games events (H.B. 2520, Hatcher-Martwick-Beiser-Bost-Dunkin et al.—Muñoz-Holmes-Forby-McCann et al.).

**Prevailing Wage Act Reporting.** Employers hired for public works must keep more details on their employees’ pay and benefits, and send them to the Department of Labor if it develops a database capable of taking them (H.B. 3223, Beiser-Hoffman-Phelps-Verschoore-Costello et al.—Frerichs-Manar-Collins et al.).

**Reloadable Cash Cards.** Starting in 2015, issuers of cards or codes to which funds can be added and spent at numerous merchants must disclose any fees and other stated terms before purchase, unless they comply with a federal law and regulations covering such cards (S.B. 1829, E.Jones-Silverstein-Collins et al.—Rita-Hernandez-C.Mitchell-M.Davis et al.).

**Small Business and Workforce.** A 17-member Small Business and Workforce Development Task Force will identify issues for legislative consideration and report to the General Assembly by November 30 each year until 2017 (S.B. 572, Lightford-Collins-Van Pelt-Hunter—Ford-Welch-Soto-Flowers-Dunkin et al.).

**“Smart Grid” Funding.** The Illinois Commerce Commission is directed to make changes in major utilities’ ability to recover their costs on some kinds of assets including pension reserves, and to allow utilities to recover those additional amounts retroactively (S.B. 9, J.Cullerton-Radogno-Althoff-Holmes et al.—Lang-Cross-D.Burke-Bellock-Pritchard et al.).

**South Suburban Airport, Brownfields, Enterprise Zones, Etc.** The Illinois Department of Transportation (IDOT) is authorized to plan, build, and operate a South Suburban Airport in Will County and related projects. It can use one or more public-private agreements, lasting up to 75 years, to do so. Net proceeds to the state from any such agreements will go to a new fund in the state treasury, to be spent only by appropriation. After such an agreement ends, all title and rights to the airport will go to IDOT; the state will have title to all real property of the airport; but the state will not be obligated to pay any obligations of a contractor.

IDOT may apply for and use inter-governmental aid and any other funds to build the airport. Materials used to build it will be exempt from sales tax. No debt incurred will be a state obligation. IDOT can apply for designation of a foreign trade zone at the airport.

Proposed initial and final airport boundaries must be disclosed along with public hearings in Will County. Owners of property meant to be acquired must be notified. In an eminent domain action, such owners will not be compensated for additions or improvements they make after getting notice, unless they notified IDOT of plans for such construction and it did not file eminent domain suits within 165 days. IDOT must pay reasonable compensation to relocate displaced persons and entities. Home rule is pre-empted to the extent it would block the project. IDOT must report on airport progress to the General Assembly and Procurement Policy Board quarterly until construction starts, and monthly thereafter.

A new South Suburban Brownfields Redevelopment Zone Fund will be used to help redevelop polluted properties near railroad yards in several

*(continued on p. 15)*

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## CIVIL LAW

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*New laws address making of anatomical gifts; safety and privacy in using Internet sites; fraudulent documents intended to affect title to real estate; and telemarketers. Other new laws create a homeless bill of rights, and bar eviction of residential tenants before their leases end even if a mortgage on the building is foreclosed.*

**Adoption.** After an adjudication that a child was neglected or abused, a parent of the child can be found unfit to adopt a child, if during any 9-month period following the adjudication, the parent fails to make reasonable efforts to correct the conditions that resulted in loss of custody (S.B. 1686, LaHood-Koehler—Gordon-Booth-Welch).

**Anatomical Gifts.** Numerous changes are made so Illinois law on this topic will be generally consistent with the proposed Revised Uniform Anatomical Gift Act. They include the following: Consent to an anatomical gift from a person may be given during the person's life by the person's parent (for an unemancipated minor), guardian, or agent (unless the power of attorney or other document creating the agency prohibits such a gift). A "health care surrogate" identified by the attending physician no longer can give such consent. Detailed rules are created for handling conflicts between persons attempting to make, and to change or revoke, an anatomical gift. A terminally ill or fatally injured person may consent, or revoke consent, to organ donation, without writing, if at least two adults including a disinterested witness observe the person's consent or revocation. Every Illinois hospital must agree or affiliate with organ procurement organizations to coordinate anatomical gifts.

A living person may refuse consent to an anatomical donation, and an unrevoked refusal cannot be overruled by anyone else. An organ donor organization to whom a patient near death

has been referred is authorized and directed to search records of the Secretary of State and of any donor registry where the patient lives for consent to a donation, and to make a reasonable search for any close relative of the patient or another person who can provide consent. A document making an anatomical gift is to be treated as valid if it is valid under the law of Illinois, the place where it was signed, or the place where the donor lived. Any document deemed valid under those standards will be applied under Illinois law (H.B. 2339, W.Davis et al.—Clayborne-Harmon).

### **Child Abuse Reporting Privilege.**

Legally privileged attorney-client communications, and confidential information relating to legal representation of a client, are exempted from mandatory reporting of child abuse (H.B. 2771, Kay-Sims et al.—Haine-Silverstein-Mulroe et al.).

### **Child Sex Abuse—No Limitation**

**Period.** Civil actions for damages for childhood sexual abuse, on which a limitations period has not yet run when this act takes effect, may be filed at any future time (S.B. 1399, Link-Silverstein-Collins et al.—Williams-Franks-Cassidy-McSweeney-Osmond et al.).

**Clouding Title.** A recorder of deeds may set up a program to review instruments intended to affect title to real estate, and refer any that seem suspicious (under standards stated in this act) to an administrative law judge (ALJ) for investigation. If the ALJ finds such a document to be fraudulent by clear and convincing evidence, the



recorder will record a new document reflecting that finding. Criminal investigations and private civil suits are not precluded (H.B. 2832, Lang-Welch-Evans—Silverstein-Collins).

### **Credit Freeze by Parent or Guardian.**

A parent or guardian of a minor, or guardian of a person with a disability, may put a freeze on the person's credit (H.B. 3380, Tabares-Soto-D'Amico-Williams-Turner et al.—Kotowski-Collins).

### **Divorce—Child Care.**

If a court awards joint custody or visitation rights, it can also give either or both parents a right to be asked to care for the child(ren) when the other parent needs child care, except in emergencies (H.B. 2992, Harms-Tracy-Hays-Jakobsson-Zalewski et al.—Silverstein-Landek et al.).

### **Electronic Communication Monitoring.**

A section authorizing civil suits for eavesdropping is expanded to eavesdropping on "electronic communication;" but a parent or guardian with custody of a minor can monitor the minor's "electronic accounts" without such liability (H.B. 3038, Williams—Barickman).

### **Guardian for Disabled Person.**

Persons convicted of felonies involving harm or threat to a minor are added to those who cannot be guardians for disabled persons (S.B. 1287, Silverstein—Wheeler et al.).

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**Homeless Bill of Rights.** Homeless persons are stated to have rights to use of public places, getting services of public agencies, nondiscrimination in employment, emergency medical care, voting and registration, confidentiality of records, and an expectation of privacy in personal property to the same extent as persons with homes. Civil actions may be filed for injunctive and declaratory relief, damages, costs, and attorneys' fees for violations (S.B. 1210, Silverstein-Noland-Hutchinson-Collins-Delgado et al.—Welch-Ford-Turner-Osmond-Sandack et al.).

**Land Use Liability.** Landowners can be liable for injuries to particular persons they *invite* onto their land (with or without charge), but will not generally be liable for injuries to the general public whom they merely *allow* there if they cause injuries to themselves or other such visitors (S.B. 1042, Harmon-Dillard-Frerichs-Holmes-Silverstein et al.—Williams-Phelps-Currie-Bost-Wheeler et al.).

**Leases in Foreclosed Building.** If there is a mortgage foreclosure on a residential building, the new owner may end a *bona fide* lease (as defined by this amendatory law) only at the end of its term and with at least 90 days' written notice (S.B. 56, Collins-N.Harris-Hunter et al.—Cassidy-Hernandez-Smidly-Feigenholtz-C.Mitchell et al.).

**Meth Lab in Mobile Home.** If police inform a park owner in writing that a mobile home in the park was used to make methamphetamine, the owner must so notify anyone making a written application to live in the park. The sole penalty for violation will be a fine up to \$2,000 (S.B. 2101, Barickman—Harms-Moylan-Chapa LaVia et al.).

**Networking Passwords.** An exception is added to a 2012 law prohibiting employers from asking for social-networking site passwords. It will

allow an employer to seek passwords on accounts used for business purposes, if the employer is required to screen applicants or employees, or to monitor employee communications, under insurance or securities laws (S.B. 2306, Radogno—Mautino-Smidly).

**Online Site Background Checks.** Internet businesses that connect consumers with providers of child-, senior-, and home-care services must tell members whether they check for criminal backgrounds. They must also notify members of potential safety issues related to Internet services, and of the general reliability of criminal background checks (H.B. 2934, Mussman et al.—Bertino-Tarrant).

**Pets (Sick).** A pet shop in which a contagious and potentially life-threatening animal disease breaks out must notify the Department of Agriculture. If it quarantines the shop, the shop must notify each buyer of a dog or cat during the last 2 weeks before the outbreak. Remedies are created for buyers of pets that had serious diseases when sold. A buyer can choose remedies promised in a written warranty from the shop in lieu of the statutory remedies (S.B. 1639, Kotowski-Althoff-Van Pelt-Collins-J.Morrison et al.—Zalewski-Evans et al.).

**Securities Sale—Limitation Period.** A provision in the Illinois Securities Law of 1953, setting a maximum of 5 years after sale of a security to file suit for false or misleading acts, is eliminated; suit may be filed for 3 years after the later of the time of sale or when the plaintiff knew or should have known of a violation (H.B. 2969, Smidly-Franks-Farnham-Sente et al.—Stadelman et al.).

**Sex Crime—Custody and Inheritance.** A man found at a fact-finding hearing, by clear and convincing evidence, to have fathered a child by a

non-consensual sex act (added to one criminally convicted of such an act) cannot get custody or visitation without consent of the mother or guardian. He also cannot inherit from the child without the mother's or guardian's consent (H.B. 3128, Williams-Wheeler-Sims-Reboletti-Costello et al.—Harmon-Hunter-Lightford-Collins et al.).

**Settlement Procedures.** Requirements are established for procedures that must be followed by plaintiffs and defendants who decide to settle civil damages actions. The requirements will not apply to public agencies and public officers sued in official capacities, or to class actions (S.B. 1912, Raoul-Noland-Harmon et al.—Sims-Mayfield-W.Davis-Franks-Smidly et al.).

**Telemarketer Records.** Users of auto-dialers, and makers of unsolicited commercial calls, must keep records of all numbers called and records to support any claims of exemption from restrictions on those practices. Each person illegally called can get damages of \$500 (S.B. 2136, Althoff-Silverstein-J.Morrison—Davidsmeyer-Kifowit-Kay-Pihos-Hatcher et al.).

**Vehicle Insurance.** Starting in 2015, minimum liability limits for auto insurance policies are increased by about 25%, to \$25,000 per person, \$50,000 for two or more persons, and \$20,000 for property damage (S.B. 1898, Biss-Raoul-Van Pelt-Collins—Fine-Welch-Leitch-Smith-Sims et al.). □

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# CRIMINAL LAW

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*Legislators authorized concealed carrying of a firearm with required training and a permit; broadened the scope of, and penalties for, Medicaid fraud; increased penalties for some driving offenses, especially if someone else is injured or killed; and prohibited sales to minors of nontobacco products containing nicotine, except federally approved products for stopping smoking. Other new laws require police to be trained in proper use of devices such as Tasers, and restrict police use of “drones” for surveillance.*

*Any adult who observes child sex abuse has a legal duty to report it, as do school officials who witness hazing.*

*Organizing a “flash mob” becomes a crime. Released juvenile offenders are to go into programs of “aftercare release” (analogous to parole) to help them in rejoining society.*

**Battery.** Nurses performing their duties are added to the list of persons against whom battery becomes aggravated battery, raising it from a Class A misdemeanor to a Class 3 felony (H.B. 801, Scherer-Moffitt-Crespo-Hurley-Welch et al.—Noland-Steans-Collins-Martinez).

**Child Abduction by “Luring”** is added to a list of sex-related crimes, at trials for which evidence of prior commission of another crime in the list may be admissible (S.B. 1814, Althoff-Connelly—Franks-Bellock-Sente-Golar-McAsey et al.).

**Child Pornography.** A person committing child pornography by possessing pornographic images of a child will receive consecutive prison terms only if the child depicted was under 13. But each unique child pornography image possessed will be a separate offense (H.B. 2647, McAsey-Willis-Bellock et al.—Mulroe-Collins et al.).

**Child Sex Abuse. Limitations period.** If corroborating physical evidence is available, or a required reporter failed to report, a prosecution for child sex abuse or assault can begin at any time (formerly within 20 years after the victim turns 18) (H.B. 1063, Jefferson-D.Harris-Sims-Bellock et al.—Collins-Hunter). (Note: S.B.

1399, summarized in the Civil Law article, addresses limitations in *civil* suits for child sex abuse.)

**Failure to report.** Anyone over 18 who personally observes sexual abuse (as more broadly defined) by a person known to be at least 18, of a person known to be a child, and fails to report it to police, will commit a Class A misdemeanor if a first violation or a Class 4 felony for a repeat violation. An exception applies to persons who report sexual abuse in the manner required by the Abused and Neglected Child Reporting Act. The observer cannot be charged until the perpetrator is charged. It is an affirmative defense to failure to report that reporting was reasonably expected to cause violent retaliation (H.B. 804, McAsey et al.—Silverstein-Collins).

**Crimes Against Police.** The Department of State Police will help local police alert news media if serious violent crimes are committed or attempted against police officers and the suspect is at large and believed dangerous (H.B. 2893, Martwick-Kifowit-Berrios-Soto-Acevedo et al.—Mulroe).

**Criminal Records. Innocent persons.** A court issuing a certificate of innocence to a person for wrongful conviction and imprisonment must also enter



an order expunging the conviction. A court is to expunge the arrest record of a defendant whose conviction or sentence is set aside based on factual innocence on direct review or collateral attack, whether or not the defendant has prior criminal convictions (H.B. 821, M.Davis-Drury-Flowers-Reboletti-Ford et al.—Raoul-Righter-Collins-Connelly).

**Military veterans.** An honorably discharged veteran, or currently enlisted military member who has served one tour of duty, and was convicted of a Class 3 or 4 felony before serving, can petition the Prisoner Review Board for a certificate recommending a court order expunging the arrest and conviction record. Some sex, firearms, or violent crimes are not eligible (H.B. 1548, Bost-Ford-Cassidy et al.—Murphy-Van Pelt-N.Harris-Biss-Noland et al.).

**Posting online.** Publishers or disseminators of criminal record information are prohibited from soliciting or accepting fees or other compensation to remove, correct, or change it (S.B. 115, Mulroe—Martwick-Sacia-Turner-Reboletti-Ford et al.).

**Sealing.** The Class 4 or Class 3 felonies of theft, retail theft, deceptive practices, and forgery, and Class 4 felonies of possessing burglary tools and possessing a controlled substance with intent to make or deliver are added to the list of crimes for which defendants can seek to have conviction records sealed (H.B. 3061, Ford-T.Jones-Hernandez-Nekritz-Cassidy et al.—Raoul-Van Pelt-Hutchinson-J.Collins-Harmon et al.).

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**Damaging a Memorial.** Criminal damage to property will bring higher penalties than it otherwise would if the property memorializes or honors police officers, firefighters, or military members or veterans (S.B. 2231, Raoul-Silverstein-Martinez-Collins-Connelly et al. — Manley-Rita-Cloonen-Reboletti-Tracy et al.).

**Dog Tethering.** It will be a Class B misdemeanor to tether a dog outdoors without ensuring that it (1) has no health condition worsened by tethering; (2) is tethered in a way to avoid entanglement with other tethered dogs; (3) is tethered with a lead that is at least 10 feet long and does not exceed a specified weight; (4) is tethered with a properly fitted harness or collar other than a pinch or choke-type collar; and (5) is not tethered in a way that will let it reach adjoining property or a public walk- or roadway. Exceptions apply to shepherding or herding; at lawful animal events such as obedience training or performances; and in camps and recreation areas (H.B. 83, D.Burke-Willis-Chapa LaVia et al. — Holmes et al.).

**Domestic Battery** is raised from a Class 4 to a Class 3 felony if the defendant had three prior convictions of domestic battery, or a Class 2 felony with at least four such prior convictions (H.B. 958, McAsey-DeLuca-Willis et al. — McGuire et al.).

**Drone Surveillance.** Police surveillance by unpiloted aerial vehicles is restricted to the following uses: (1) to counter a high risk of a terrorist attack; (2) with a search warrant based on probable cause; (3) with reasonable suspicion that quick action is needed to prevent harm to life, or prevent an escape or destruction of evidence; (4) to search for a missing person without simultaneously participating in a criminal investigation; and (5) to photograph crime scenes or vehicle crashes. Information gathered under these exceptions must be destroyed within 30 days and cannot be disclosed, unless an agency

supervisor finds that it contains evidence of criminal activity or is relevant to a current investigation or pending criminal trial. Every law enforcement agency owning a drone must report yearly to the Illinois Criminal Justice Information Authority its number of drones. The Authority will report that information on its Website (S.B. 1587, Biss-Rose-Silverstein-Haine-Connelly et al. — Williams-D.Harris-Currie-Dunkin-Durkin et al.).

**Emergency Vehicle Simulation.** Possessing or being in control of rotating lights, red and blue LEDs, sirens, or other emergency vehicle markings in a vehicle without legal authority becomes a Class A misdemeanor. Police finding a violation are to seize those items and may also seize the vehicle (H.B. 3054, Tabares-McAsey-Soto-Hernandez-Acevedo et al. — Martinez-McCann).

**Ethnic and Racial Data** on every arrestee is to be collected at arrest or booking, and at admittance to a correctional facility. The collecting entity must keep records of the data. The Departments of Corrections and of Juvenile Justice must report yearly to the Governor and General Assembly on ethnic and racial backgrounds of all committed persons (S.B. 1598, Hunter-Collins — Ford-Soto-Hernandez-D.Burke-Berrios et al.).

**Felon Release Notice.** The Department of Corrections will notify the state’s attorney, sheriff, police, and/or public housing agency of a felon’s release by e-mail if it is given an e-mail address (H.B. 3029, Jakobsson-Cunningham).

**Firearms. Concealed carrying.** Under a new Firearm Concealed Carry Act, the Department of State Police is to issue licenses to carry concealed firearms to applicants who meet qualifications including age of at least 21; having a “FOID” card; not having been convicted of described crimes in the last 5 years, or being a subject of a pending arrest warrant or prosecution for a

crime that bars firearm ownership; not having been in a residential or court-ordered drug or alcohol treatment program in the last 5 years; getting required firearms education and training; and paying a \$150 fee. An applicant must also not pose a danger to self or others or to public safety, as determined by a newly created Concealed Carry Licensing Review Board; and public and private mental health professionals must notify the proper state agency upon determining that a person fits one of those categories. A person whose FOID card was revoked due to being a patient in a mental health facility cannot get such a card again, even after 5 years, without being certified as not a clear and present danger to self or others.

Law enforcement agencies can object to an application based on reasonable suspicion that the applicant is a danger to self or others. The Department of State Police *must* object if an applicant has at least three arrests for gang-related crimes in the last 7 years. The Department will check each applicant’s criminal history, domestic violence restraining and protective order records, and Department of Human Services files on mental health and developmental disabilities. The Department will keep a database of applicants and licensees for law enforcement, state’s attorneys, the Attorney General, and court personnel. Names of applicants and licensees are not discoverable under the Freedom of Information Act.

Licensees may not knowingly carry firearms into (among other places) school, college, or university property; state or local government buildings; court buildings; health or mental health facilities; public transportation vehicles or other property; a business getting over half its revenue by serving alcohol; child-care facilities; playgrounds and public parks (except trails or bikeways in hunting areas); zoos; locally licensed public gatherings; and gambling and OTB establishments. Signs must be

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## CRIMINAL LAW

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posted at entrances to places where the new act prohibits concealed carrying. Private owners can prohibit concealed carrying on their property by signs (no signs will be required at residences). Licensees otherwise prohibited from concealed carrying in parking areas can carry firearms there in vehicles, and store them in cases in locked vehicles or containers.

Local regulation of handgun and handgun ammunition possession, registration, and transportation by concealed-carry licensees is pre-empted—as is local regulation of transportation of any firearms and ammunition by FOID card holders. Local regulation of “assault weapons” was pre-empted 10 days after the new act took effect (H.B. 183, Phelps-E.Sullivan-Beiser-Bost-Costello et al.—Forby et al.).

**Transfers.** Any person, not a federally licensed firearms dealer, who wants to sell or transfer a firearm must ask the Department of State Police about the validity of the buyer’s or transferee’s FOID card (with exceptions such as for transfers to family members, at gun shows, or to persons exempt from having FOID cards). The owner of a lost or stolen firearm must report the event to police within 72 hours (H.B. 1189, Zalewski-Soto-C.Mitchell-Currie et al.—Raoul-Harmon-N.Harris-Hutchinson-Hunter et al.).

**“Flash Mob” Organizing.** Using electronic communication to organize mob action can bring an extended term of 3-6 years in prison instead of only 1-3 years (S.B. 1005, Raoul-Dillard-Connelly et al.—C.Mitchell-Reboletti-Feigenholtz-Dunkin-Sims et al.).

**Game Meat Waste.** Wanton waste or destruction of usable meat from any game animal or bird will be prohibited, with exceptions for wildlife that destroys property and wildlife used for scientific purposes (S.B. 1620, Koehler-Hammond).

**Gang Witness Protection.** If funds are appropriated, the Illinois Criminal Justice Information Authority will set up a program to aid victims and witnesses helping prosecute gang criminals with temporary living costs, moving expenses, rent, security deposits, and other relocation costs (H.B. 1139, Welch-Mayfield-Sims-Thapedi et al.—Van Pelt-Collins-Raoul-Hunter).

**Grants—Political Use.** State grant recipients that use grant funds, or things bought with them, for prohibited political activity as defined in the State Officials and Employees Ethics Act, or knowingly pay employees from grant funds for such activity, can be fined up to \$5,000 (S.B. 2380, Radogno-McConaughay-Rezin-Connelly et al.—Sandack-Fortner-Drury-Pihos et al.).

**Hazing.** Any school official who personally observes an act not sanctioned by the educational institution that results in bodily harm to any person, and fails to report it to supervising school authorities (or police if death or great bodily harm resulted) will commit failure to report hazing—a Class B misdemeanor, or Class A misdemeanor if it resulted in death or great bodily harm (H.B. 1443, Moylan-Wheeler-Willis-Yingling et al.—Kotowski-Steans-Martinez-McGuire).

**Home Detention.** A person committed to the sheriff to serve a statutory minimum jail term can be allowed to serve it in electronic home detention unless (1) such detention is not allowed for that offense or (2) the court requires that the time be served in a correctional facility (S.B. 1854, Bivins—Demmer-Sacia et al.).

**Interrogation—Recording.** Several crimes are added (in stages starting in June of 2014, 2015, and 2016) to the list of those for which police interrogations must normally be recorded electronically for any resulting statements to be admissible as evidence. Exceptions are allowed if the questioners did not know

of an element of an offense (such as a victim’s death) that would put the crime into one of those categories (S.B. 1006, Raoul-Collins-Trotter—Drury-Turner-Zalewski-Dunkin-Currie et al.).

**Jewelry Theft Study.** A Precious Metal Purchasers Task Force will study technologies and systems used to provide law enforcement with quick information on sales of precious metals and jewelry by pawnbrokers, auction sellers, and others, and by the end of 2013 report to the General Assembly recommendations and possible funding methods for a statewide system to collect such information and make it available to police (H.B. 3359, Bellock-Tryon et al.—Dillard-Noland).

**Juvenile Courts. Confidentiality.** A provision allowing juvenile court records, on order of the juvenile judge, to be inspected by representatives of associations or agencies or the news media is narrowed by saying that it covers only individual juvenile cases for which such orders are made (S.B. 1923, Raoul-Van Pelt-Mulroe-Hunter-Collins—Currie-M.Davis-Bellock-Lilly-Evans).

**Jurisdiction expanded.** Persons under age 18 (was 17) will be tried in juvenile courts unless charged with traffic, boating, or fish and game law violations, or violent felonies (H.B. 2404, Currie-Jakobsson-Zalewski-Sacia-Dunkin et al.—Steans-J.Cullerton-Martinez-Raoul et al.).

**Juvenile Delinquents. Confinement.** A person 18 or older who is the subject of a delinquency petition and is adjudicated delinquent can be confined in an adult detention facility. The juvenile court is to consider several listed factors when deciding whether to do this (S.B. 1844, Mulroe—Hoffman-Smidly).

*Post-release care.* Delinquent minors leaving the Department of Juvenile Justice, who are not habitual or violent juvenile offenders, will go into a program of “aftercare release” to help them reintegrate through post-release treatment and services. It will include a case management plan for community reentry; services such as drug-abuse treatment, financial advice, and help in finding housing and jobs; and a process to review aftercare releasees for discharge. Aftercare specialists and supervisors in the Department will have powers of peace officers to retake a releasee who violates a condition of release; a supervisor can issue an aftercare release violation warrant if a releasee commits any of several listed crimes, or fails to register as a sex offender if required. The Prisoner Review Board will set lengths of aftercare release (S.B. 1192, Delgado-Collins-Hunter—Turner-Smith).

**Littering.** *Cigarettes.* Cigarettes are explicitly stated to be “litter” under the Litter Control Act (H.B. 3243, Mell-Ford-Hurley-Welch-Nekritz—Martinez).

*Fine.* A mandatory minimum fine of \$50 is required for littering from a motor vehicle, or for taking trash from a farm, home, or business to a trash barrel along a public highway or at a roadside rest area (H.B. 3081, Mell-Ford-Welch—Haine).

**Livestock Running Loose.** If an owner allows livestock to run loose at least 10 times, the owner commits a Class 4 felony and the livestock can be impounded. The definition of “livestock” for this purpose is broadened (H.B. 733, Cloonen et al.—Hutchinson-Althoff-Koehler).

**Medicaid Fraud.** Making false statements in connection with Medicaid services is raised from a Class A misdemeanor to a Class 4 felony. Prohibitions on Medicaid fraud are broadened to include misrepresentations and other actions by vendors and

others to enable Medicaid fraud (H.B. 71, Cassidy-Manley-Welch-Willis et al.—Mulroe-Connelly).

**Motor Vehicle Crimes.** *Accident caused by driver who lost license.* A repeat offense of driving with a suspended or revoked license will be a Class 4 felony if the driver causes an accident resulting in death or a Type A personal injury (as defined) to another person (S.B. 1735, Rose—Scherer-Brown-B.Mitchell-Franks-Farnham et al.).

*Death by vehicle.* A defendant whose Vehicle Code violation proximately caused another’s death, and who had a prior conviction for a moving violation or had a license suspension or revocation, cannot get supervision (H.B. 1010, D’Amico-Franks-McAuliffe-Farnham et al.—Hastings-Althoff-Silverstein-Noland et al.).

*Distraction driving.* Penalties for texting, using a cellphone, or watching a video device while driving will be higher if a resulting accident causes severe injury or death to another (H.B. 2585, Manley-Chapa LaVia-Smidly-Walsh-Osmond et al.—Sandoval et al.).

*DUI test reimbursement.* A person found guilty of DUI, or who pleads down a DUI charge to reckless driving, can be charged up to \$500 for blood withdrawal by a medical professional for DUI testing (S.B. 1849, Connelly—Reboletti-Smidly).

*Violations and sanctions.* A driver’s license can be revoked and/or suspended any number of times simultaneously, with each sanction fully effective independent of the others. A second offense of driving without a valid license will bring mandatory prison time only if both the first and the second offense were committed while the violator’s license was suspended or revoked for any of the following offenses: reckless homicide,

DUI, refusing a breath test, or failure to stop after an accident. The crime of aggravated DUI is expanded to include DUI while driving a school bus with any passenger(s) (formerly only with minor passengers), and driving a vehicle for hire with any passenger(s) (S.B. 1764, Kotowski-Dillard et al.—Cross-Reboletti-D’Amico-Hatcher-Bellock et al.).

**Nicotine Products and Minors.** Selling an “alternative nicotine product” to a minor will bring a fine of \$200 for a first offense, \$400 for a second offense, and \$600 for a third or later offense in 1 year. An “alternative nicotine product” is any product not containing tobacco that introduces nicotine into the body—other than a federally approved smoking-cessation product (S.B. 1756, Mulroe-Collins et al.—Willis-Martwick et al.).

**Prostitution** becomes a Class A misdemeanor in all cases (the current higher penalties if committed near schools, more than once, or accompanying other listed sex crimes are abolished). With approval by the prosecutor, defendant, and court, a person charged with prostitution (and not convicted of a violent crime in the last 10 years, excluding time in custody) can be admitted to a mental health court program designed to address the trauma of prostitution and human trafficking, if such a program is available (S.B. 1872, Mulroe-Collins-Delgado-Van Pelt-Cunningham et al.—Zalewski-Mayfield-Cassidy-Hatcher-Martwick et al.).

**Recording by Attacker.** Making a video or audio recording while committing an assault or battery, with intent to disseminate the recording, is added to the list of acts constituting aggravated assault or battery. A court can impose an extended sentence if a defendant commits any felony and makes a recording of the crime with intent to disseminate it (H.B. 1309, Cassidy-Willis et al.—Silverstein-Cunningham).

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# EDUCATION

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## Elementary & Secondary

**The General Assembly lowered the mandatory school starting age from 7 to 6; provided for training of school staffs on safety, mental illness, CPR, and child abuse reporting requirements; and authorized some people with technical training to obtain endorsements to teach up to two courses in grades 6 to 12. Health education must address dating violence by the 7th (formerly 8th) grade.**

**Age to Start School.** Beginning in 2014-15, children must start school after they turn 6 (now 7) (S.B. 1307, Lightford-Raoul-Noland-Collins-Hunter—Ford-Welch-Scherer-M.Davis-Flowers et al.).

**Biliteracy Seal.** Starting in the 2014-15 school year, schools may add a State Seal of Biliteracy to diplomas of students proficient in a language in addition to English. The State Board must adopt rules for testing students and awarding seals. Students may be charged evaluation costs (S.B. 1221, Martinez-Holmes et al.—Soto-Fortner-Chapa LaVia-Drury et al.).

**Dating Violence.** Comprehensive health education programs must cover teen dating violence starting in grade 7 (was grade 8). School boards must have policies for training students and employees on teen dating violence and for responding if it occurs in school contexts (H.B. 3379, Tabares-Chapa LaVia-M.Davis-Soto-D’Amico et al.—Martinez).

**Insurance for Athletes.** Public and private schools must buy catastrophic accident insurance for student athletes in grades 9-12 unless they require student athletes to be covered by other insurance. Schools’ coverage must provide at least \$3 million or 5 years of benefits for injuries that result in medical costs over \$50,000. The Illinois High School Association must offer a group policy for schools; the Chicago Public Schools may self-insure (S.B. 2178, Harris-Collins-B.Brady-Hunter—W.Davis-Dunkin-D.Harris-Rita et al.).

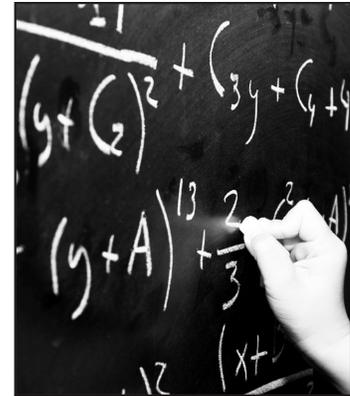
**Interfund Transfers.** *Life-safety funds.* Schools can transfer surplus Life Safety Fund money to Operations and Maintenance for repairs through June of 2016 (formerly 2013) (H.B. 3, Chapa LaVia-Pihos-Franks-Farnham et al.—J.Sullivan-Lightford).

*Non-Chicago district extension.* Interfund transfers for other than one-time reasons are allowed through June 2016 (extended from 2013) for non-Chicago districts. One district is given additional flexibility to make transfers, including from its tort immunity fund, through June 2016 (H.B. 160, Osmond-Senger-Moffitt—Bush).

**Iraq and Afghanistan Veterans Remembrance Day** (October 7) is added as a commemorative holiday but remains a school day (S.B. 1703, Haine-Manar-Hastings et al.—Kay-Moffitt-Cavaletto et al.).

**Physical Education** requirements may be waived for students with individualized educational programs who participate in adaptive athletic programs outside school (S.B. 2157, Cunningham et al.—McAsey et al.).

**Safety. Drills.** Evacuation drills may be held to prepare for suspicious persons (added to other kinds of incidents). Schools’ law enforcement drills must focus on a shooting incident. Local police are to participate in such a drill unless a date cannot be agreed upon, and notify the school of deficiencies found (S.B. 1625, Collins et al.—Chapa LaVia-Lilly).



**Task force.** The State Board of Education is to have a task force to study the security of schools and recommend minimum standards to increase safety. The task force must report to the State Board by January 1, 2014 with recommendations for (1) changes to state law and (2) model security policies. The report will be exempt from disclosure under the Freedom of Information Act (S.B. 1931, Bivins-Althoff-Martinez et al.—Demmer-Sente).

**Sex Education.** Schools that offer sex education in grades 6-12 must include instruction on both abstinence and contraception, and state that abstinence is “a responsible and positive decision” (in place of “the expected norm”). Materials must be medically accurate, complete, and evidence-based. The State Board, with input from another organization, must make available sex education materials that schools may adapt for their use (H.B. 2675, Lilly-Gabel-Nekritz-Jakobsson-Feigenholtz et al.—Steans-Holmes-Hunter-Raoul et al.).

**Social Networking Passwords.** A new act forbids public and private schools, colleges, and universities from asking or requiring that students or parents provide passwords or access to students’ social networking accounts, unless an institution has reason to believe that an account contains evidence that the student violated its rules (H.B. 64, Ford-Fortner-M.Davis-Flowers et al.—Collins).

**Special Ed Complaint Procedures.** The State Board of Education must adopt rules on complaints complying with stated federal regulations, and require that schools getting complaints follow procedures stated in this amendatory act. Students with disabilities are to remain in their educational placements during mediation on placement; parents have 10 days after mediation ends to request a due process hearing (H.B. 1288, Gabel—Kotowski-Delgado et al.).

**Teacher Licensing.** A part-time provisional career and technical educator endorsement to an Educator License with Stipulations is created for teaching up to two courses in grades 6-12. It is valid for 5 years and is renewable (H.B. 1868, Unes-Wheeler-Chapa LaVia-Evans-Brauer et al.—J.Sullivan).

**Training.** *Child abuse reporting.* School staff who are required to report suspected child abuse must get training within 1 year after hiring and every 5 years thereafter from a provider or agency with expertise in recognizing such abuse (H.B. 2245, Chapa LaVia-M.Davis-Walsh et al.—Delgado-Bush).

**CPR.** If video training, not over 15 minutes long, on hands-only CPR and AED use is provided to the Illinois High School Association, it must post it on its Website, and schools must notify and encourage parents and staff to view it (H.B. 1225, Burke-Osmond-Beiser-Verschoore et al.—Hastings-Collins et al.).

**Mental illness.** School employees working with students in grades 7-12 must be trained to identify and respond to warning signs of mental illness (H.B. 3070, Farnham-Ford et al.—Delgado-Collins-Lightford).

**Virtual-School Moratorium.** Charter schools with new virtual-schooling components may not be started from

April 1, 2013 to April 1, 2014 except in Chicago. The State Charter School Commission must report by March 1, 2014 on the effect of virtual schooling, with policy recommendations (H.B. 494, Chapa LaVia-Pihos-Kosel et al.—Bertino-Tarrant-Holmes-Collins et al.).

**Weapons and Gangs.** Responsibilities of principals are stated to include notifying police as needed to protect students and staff against illegal weapons and gang activity. Courts and police are to notify principals whose students are detained for illegal gang activity (H.B. 2768, Welch-W.Davis-Hernandez-Ford et al.—T.Cullerton-Lightford).

## Higher Education

***New laws reduce or eliminate tuition charges for some military veterans at public colleges and universities; make it easier for armed forces members and veterans to enroll; and encourage public universities to increase public access to faculty publications.***

**Alcohol at Chicago State.** Chicago State University's trustees can authorize sale of alcohol at some university events under policies based on standards similar to those now applying to the U of I, Northern Illinois, and Illinois State University (H.B. 631, Riley—Hunter).

**College Savings Programs.** The Illinois Student Assistance Commission's authority to offer college savings programs is repealed (H.B. 2674, Jakobsson et al.—McGuire).

**Golden Apple Scholars.** Under P.A. 96-411 (2009), the Illinois Future Teacher Corps Program was to be merged into the Golden Apple Scholars of Illinois Program by July 1, 2012. This new act merges the

two programs' standards and makes several changes in those standards. The Golden Apple program will be managed by a nonprofit foundation by grant agreement with the Student Assistance Commission (S.B. 1791, Martinez-Manar et al.—Flowers et al.).

**Military Priority Enrollment.** State universities and community colleges must give the earliest offered enrollment opportunity to eligible members of the armed forces and veterans (S.B. 2245, Righter-Kotowski-Bush et al.—Cloonen-Halbrook-Leitch-Rita et al.).

**Research—Public Availability.** By 2014, each public university must name an Open Access to Research Task Force to propose policies on access to faculty research articles. Each task force must consider at least 10 listed topics, and report its recommendations by January 1, 2015 to the university's board, the Board of Higher Education, the General Assembly, and the Governor (S.B. 1900, Biss-Althoff-Collins—Burke-Riley et al.).

**Veterans' Tuition.** *National Guard* members who have served more than 10 years can get 2 years of tuition and fees waived at a state university or community college—added to the existing 4 years for anyone who serves at least 1 year in the Guard (S.B. 2229, Frerichs-McCann et al.—Conroy-Costello-Cloonen-Kifowit-Jackson et al.).

**Other.** Veterans using benefits under the federal Post-9/11 Veterans Assistance Act of 2008 are to be deemed Illinois residents for tuition rates at public universities and community colleges (H.B. 2353, Cloonen-Brown-Willis-Pritchard-Jakobsson et al.—Hastings-Muñoz). □

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## ENVIRONMENT & CONSERVATION

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*New laws regulate underground “fracking” to release petroleum products; promote development of wind energy in Lake Michigan, but allow any municipality to stop new commercial wind-powered generators within its boundaries; and facilitate composting in Chicago. Two kinds of bonds to promote energy efficiency have been authorized.*

**Asphalt Shingle Disposal.** The owner of a landfill that is within 25 miles of an Illinois EPA-approved asphalt roofing shingle recycling operation may not accept loads of whole or processed asphalt shingles for disposal. Shingles mixed with municipal waste can be allowed. The EPA must post online a list of approved asphalt shingle recycling operations (S.B. 2226, Sandoval-Landek et al.—Hoffman-McSweeney et al.).

**Clean-Fueled Vehicles.** Starting in 2016, 25% of vehicles bought with state funds (except Department of Corrections vehicles and Department of State Police patrol cars) must be powered by electricity or petroleum gases. The Toll Highway Authority is to provide at least one electric vehicle charging station at each tollway oasis starting that year; the Illinois Department of Transportation may provide one or more such stations at each Interstate highway rest area if electric supply and federal regulations allow it (H.B. 2695, D.Harris—Kotowski-Morrison).

**Composting.** Chicago landscape composting sites are exempted from the requirement that any part of a pollution control facility devoted to composting must be at least one-eighth mile from the nearest residence not on the same parcel. No composting operation permit will be needed for a noncommercial operation that has no more than 25 cubic yards of landscape waste, additives, composting material, and finished compost on-site at a time. Another exemption will apply to a noncommercial compost facility meeting several conditions—including that at least 10 occupied non-farm residences are

within one-half mile of its boundaries, and its product is used agriculturally by its owner (H.B. 2335, Gabel-Pritchard-Mell-Soto-Jakobsson et al.—Steans-Koehler-Holmes et al.).

**Development Bonds; Emerald Ash Borers.** The Illinois Finance Authority may issue bonds for industrial, environmental, or Energy Efficiency Projects outside Illinois if they are owned or operated by Illinois entities or by entities affiliated with them—or, in the case of environmental facilities, they will help protect Illinois’ environment. The Authority is exempted, through 2018, from some Illinois Procurement Code requirements for its legal, financial, and similar contracts. It may administer an Emerald Ash Borer revolving loan program to help local governments protect standing ash trees against the Emerald Ash Borer (S.B. 1603, Hastings et al.—K.Burke-Jakobsson-Sosnowski-Demmer-Verschoore et al.).

**Energy-Saving Loans.** Electric and gas utilities must offer, to retail customers owning multi-family residential or mixed-use buildings with up to 50 residential units, programs that allow customers to borrow money for energy efficiency measures for the buildings and repay through utility bills. Costs may not be passed on to building tenants’ utility bills. Projected savings of such a measure must at least equal projected costs including finance charges (S.B. 2350, Collins-Noland—Turner-C.Mitchell-Riley-Fortner).

**Fracking.** A new act will regulate high-volume horizontal hydraulic fracturing to obtain oil and gas. Such operations must have permits from the Department



of Natural Resources (DNR), and their locations will be limited by setbacks and other siting restrictions. Requirements for permit application, modification, suspension, and revocation; insurance; disclosures; and water quality monitoring are created. Detailed technical requirements will govern all fracking operations. A legal presumption is stated that any pollution or reduction of a water source occurring near, and first found during or within 30 months after, a fracking operation was caused by it.

A severance tax, at higher rates for more productive wells, will apply to oil from fracking wells that produce more than 15 barrels per day of oil, and to all gas from fracking wells. Its rate will be reduced if at least 50% of the construction hours on a well were done by Illinois construction workers paid at least prevailing wages. DNR, aided by the State Geological Survey, must report to the General Assembly and Governor by February 1, 2014 on prospects and recommended further actions regarding fracking. A Task Force on Hydraulic Fracturing Regulation will report to the General Assembly and Governor by September 15, 2016 with its recommendations (S.B. 1715, Frerichs-Koehler-Althoff-McCarter-Forby et al.—Bradley-Reis-Bost-Williams-Jakobsson et al.).

(S.B. 2155, summarized in the Revenue article, addresses property taxation of real estate used for “fracking.”)

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## ENVIRONMENT & CONSERVATION

(continued from p. 14)

**Game Hunting.** *Fur-bearing mammals* (added to white-tailed deer) may be hunted with shotguns loaded with slugs (H.B. 1651, Rosenthal-Verschoore-Halbrook-Harms-Costello—LaHood-Koehler).

*Permission required.* No one may shoot at animals on, or flying over, another's property without permission from the owner or from a designee identified in a notarized writing (S.B. 1831, B.Brady-Haine—Hammond-Costello et al.).

**Hunter or Fisher Interference; Drones.** A hunting or fishing license may be revoked or denied for up to 5 years for hunter or fisher interference—the definition of which is expanded to include using drones to impede hunting or fishing (H.B. 1652, Brown-Biss).

**Wind Energy.** *Lake Michigan.* DNR must develop a detailed offshore siting plan for the Illinois portion of Lake Michigan, showing areas suitable and unsuitable for using wind energy. The Governor is to convene a task force to study policy and options for such use. DNR may issue permits and leases

allowing offshore wind park construction and operation (H.B. 2753, Gabel-Fine-C.Mitchell-Nekritz-Feigenholtz et al.—Biss-Noland-Bush).

*Municipal ban.* A municipality may prohibit new wind-powered electric generators, other than those with nameplate capacity below 100 kilowatts that are primarily for end users of the electricity (H.B. 1201, Sosnowski et al.—Althoff-Rose). □

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## BUSINESS & ECONOMIC DEVELOPMENT

(continued from p. 5)

south suburbs of Chicago. A “Managing Partner” chosen by Cook County will propose to the Department of Commerce and Economic Opportunity (DCEO), and get approval for, a master plan to redevelop industrial sites in that area, including specified percentages of minority hiring and contracting with minority-owned firms. The Fund is to be supported by up to \$3 million per year in incremental income tax revenues from persons employed at completed facilities in the zone; other revenues may be obtained to support these projects.

A new Riverfront Development Fund will be used, with somewhat similar conditions, to develop riverfront lands in a financially distressed city.

Any enterprise zone in existence when this act takes effect that was to last for 20 years may be extended for 10 more years by the local government that created it and DCEO; other provisions are made for extending enterprise zones.

A firm planning to invest at least \$500 million to build a fertilizer plant in Illinois, adding at least 125 jobs and meeting other requirements, can be

designated a high-impact business to qualify for various tax exemptions. Reporting requirements for businesses getting enterprise zone and river edge redevelopment zone tax exemptions are increased.

Up to \$18 million per year of sales and use tax revenues will be transferred to cover deficits in the Underground Storage Tank Fund.

The McCormick Place Expansion Project Fund can be used for the added purpose of providing a multi-use facility in a block west of McCormick Place North. The requirements for auditing of McPier for compliance with exhibitor-rights requirements are made more flexible, including a reduction in frequency from semiannual to annual (S.B. 20, Hutchinson-Harmon-Hastings-McGuire et al.—Bradley-Brown-Mautino-Riley-W.Davis et al.).

**Telecommunications and Cable Regulation.** *Cable and video.* A 2007 act on cable and video competition is extended to July 2015, and statewide franchises are extended 2 years to the end of 2015. Providers must notify the ICC if they will continue providing service under state authority. Changes to cable and video service regulation

include limiting fees to local governments outside Chicago for public, education, and government access to 1% of gross revenue; deleting a requirement that providers with 300,000 to 1 million access lines provide cable service to specified percentages of their telephone customers; and removing some provisions for customer protection.

*Telecommunications.* The Universal Telephone Service Protection Law of 1985 is extended to July 2015. Many other changes are made to telecommunications regulation, including allowing a carrier to provide competitive services under a “written service offering” in lieu of a more formal tariff, and increasing the kinds of services that are subject to competition rather than regulation.

*Wireless Emergency Telephone Safety Act.* The act is extended 1 year to July 2014. An advisory board will make legislative recommendations by February 2014 on whether to consolidate 911 telephone services (S.B. 1664, Harmon-Murphy-Althoff-Muñoz-Clayborne et al.—K.Burke-Bost-Phelps-Jefferson-Acevedo et al.). □

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## HEALTH & SAFETY

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*Requirements intended to promote several kinds of vaccinations were expanded, along with requirements for neonatal testing for diseases. A pilot program will allow persons who have some kinds of diseases to use cannabis. Requirements are added for training of persons handling food at restaurants and other places. A late 97th General Assembly law provides for planning to help broadcasters inform the public after disasters.*

**Amusement Ride Safety.** The definition of “amusement ride” is expanded to include inflatable attractions such as bounce houses and slides. Minimum liability insurance for each operator of an amusement ride is greatly increased, to \$1 million per occurrence and \$2 million per policy period. The Department of Labor may adopt by reference standards from recognized organizations that promote carnival ride safety. The Department can suspend or revoke an operating permit, and must notify an owner or operator of reasons. Appeal procedures are provided (S.B. 2184, Mulroe—Martwick et al.).

**Breast Cancer Patient Education.** The Illinois Department of Public Health (IDPH) must have a campaign to inform breast cancer patients needing surgery—particularly minority women—on the availability and coverage of breast reconstruction, prostheses, and other options. The campaign may not specify, or be used as a way to limit, the health care providers available to patients (H.B. 3175, Hatcher-Mayfield-Chapa LaVia-Flowers-M.Davis et al.—Hunter-Collins et al.).

**Children’s Products at Childcare Facilities.** The Department of Children and Family Services must keep a roster of childcare facilities that lack Internet access, and ensure that they register for mailing lists of children’s products recalled for safety reasons (S.B. 1191, Delgado-Collins-Martinez et al.—Evans-DeLuca et al.).

**Contact Lens Dispensing.** Contact lenses may be dispensed only by licensed optometrists, licensed pharmacists, and physicians; decorative contacts are explicitly included. “Direct supervision” is defined for purposes of a provision restricting how optometry assistants can act in dispensing contact lenses (S.B. 2218, Frerichs-Bivins—K.Burke-Sims).

**Early Intervention Services—Insurance Coverage.** A policy of accident and health insurance covering early intervention services must provide that use of private health insurance to pay for early intervention services under federal law may not (1) result in loss of benefits due to annual or lifetime insurance limits for, (2) reduce availability of health insurance to, or (3) be a basis for increasing the health insurance premiums of, an infant or toddler with a disability, the parent(s), or family members covered by the policy. Early intervention services are to include nursing services, nutrition services, and sign language and cued language services. Statewide services system timetables for providing early intervention services are to be based on scientifically based research when practical (S.B. 626, Hunter-Morrison—Feigenholtz-Bellock-Mautino et al.).

**Emergency Call Forwarding.** The Illinois Commerce Commission must prepare a directory of all Illinois 911 call systems, including a 10-digit phone number that can be used to transfer calls to each such system from another one. The directory must be available to every 911 authority, which



must have procedures for transferring calls (H.B. 2856, Manley-Willis-E.Sullivan-Pihos et al.—Bertino-Tarrant).

**Emergency Shelters.** A Civic Center Authority whose governing law adopts this new section by reference must make its buildings available in emergencies on request by the Illinois Emergency Management Agency (IEMA), another accredited emergency response agency, or the American Red Cross (H.B. 2737, Moffitt-Mayfield-Pihos et al.—Koehler).

**Epilepsy Deaths.** Every autopsy is to include an inquiry whether death was due to seizure or epilepsy. If findings are consistent with sudden, unexpected death in epilepsy (SUDEP), the death certificate must so indicate and a copy must be forwarded to the national SUDEP Registry (S.B. 1226, Kotowski-Mulroe-Hunter-Connelly-Collins et al.—D’Amico-Osmond-Soto-Fine-Cassidy et al.).

**Food Service.** “Food handlers” must get specified kinds of training in food safety starting in July 2014 for restaurants, and July 2016 for other places. Starting July 1, 2014, to qualify for a new or renewed food service sanitation manager certificate, a person must get at least 8 hours of training approved by IDPH that meets standards stated in this act, and pass an exam (S.B. 1495, Martinez-Althoff-Mulroe—Burke-Zalewski-Feigenholtz et al.).

**HIV.** A provision requiring the state or local health department to report to a school principal the presence of an HIV-positive child in the school, and authorizing the principal to notify the school nurse and the child’s teachers, is repealed (H.B. 61, Ford-Currie-G. Harris-Flowers-Feigenholtz et al.—Martinez-Steans-Collins-Delgado-Hunter et al.).

**Medical Cannabis.** Beginning next January, a person diagnosed with a “debilitating medical condition” listed in this act or added by IDPH may be issued an ID card by IDPH to buy medical cannabis from licensed cannabis dispensaries. A 4-year pilot program will allow up to 22 marijuana cultivators and 60 dispensaries in Illinois. Each patient may get no more than 2.5 ounces of cannabis every 2 weeks, from an in-state dispensary. A 7% privilege tax will be imposed on cannabis sold for medical purposes. Cannabis cultivation organizations and dispensaries may not make campaign contributions, and will be charged an Illinois income tax surcharge equal to any federal income tax liability they incur on voluntary sales of their property. Patients with cards allowing cannabis use may drive but must not be impaired by cannabis use, and may be required to take field sobriety tests if there is evidence of impairment (H.B. 1, Lang-Cassidy-Welch-G.Harris-Gabel et al.—Haine-Holmes-Martinez-Delgado et al.).

**Multiple Sclerosis (MS) Task Force.** A 16-member MS Task Force will be established in IDPH. It will develop strategies to address unmet needs of persons with MS; work to increase access to treatment and other therapeutic options; and develop strategies to improve MS education and awareness. It is to report to the Governor and General Assembly by the end of 2015 (S.B. 1640, J.Cullerton-Holmes-Collins-Bivins et al.—Williams-Currie-Riley-Bellock-Leitch et al.).

**Newborn Screening.** IDPH must require screening of every newborn for genetic and congenital anomalies chosen by IDPH (added to metabolic disorders). It must also require screening for congenital heart defects at hospitals and birthing centers. Members of the Department’s Genetic and Metabolic Diseases Advisory Committee may be compensated for expenses incurred in such service (H.B. 2661, Gabel et al.—Steans-Mulroe-Silverstein-Hunter-McCann et al.).

**Tanning Under 18.** Persons under 18 may not use ultraviolet tanning equipment at commercial tanning salons. Spray-on tans are not affected (H.B. 188, Gabel-Poe-Jakobsson-M.Evans et al.—Radogno-Silverstein-Dillard et al.).

**Vaccinations. *Flu and pneumococcal.*** Hospitals must adopt pneumococcal disease immunization policies for all patients (now those 65 or older) based on federal recommendations. Nursing homes, community care facilities for the developmentally disabled, and long-term-care facilities for persons with severe mental illness are to vaccinate residents for pneumococcal disease whether or not they are at least 65 (H.B. 3191, Tracy-Osmond—Kotowski et al.).

***Meningococcal.*** IDPH must require vaccination against meningococcal disease of all students entering 6th and 12 grades, subject to existing parental and medical exemptions (H.B. 3190, Osmond-Gabel—Jacobs-Althoff).

***Pertussis.*** Hospitals must inform parents of children in neonatal intensive care units of the importance of getting family members immunized against pertussis (whooping cough) to minimize risks of infecting their newborns (S.B. 1623, Manar-Mulroe—Golar-Gabel-DeLuca et al.).

## Laws From 2012 Veto Session

**Emergency Broadcasting.** Radio and TV broadcasters, cooperating with IEMA and the Illinois Broadcasters’ Association, may develop plans to prepare for and respond to an emergency or disaster. Programs may be begun to train and certify broadcast engineers and technical person as “first informer broadcasters.” Where practical, state and local agencies must allow them to enter areas affected by emergencies or disasters for purposes of restarting broadcasting (P.A. 97-1155, enacted by H.B. 5528, Bradley-Bellock-Costello-Pritchard—Munoz-Dillard et al.).

**Health Maintenance Organizations** may charge deductibles and copayments to enrollees. Such payments, along with premiums, are their only allowable charges for medical services. Deductibles plus copayments for basic health care may not exceed the annual maximum out-of-pocket cost of a federally defined high-deductible plan (P.A. 97-1148, enacted by S.B. 3233, Haine—Mautino-Currie). □

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*“Character is like a tree and reputation like a shadow. The shadow is what we think of it; the tree is the real thing.”*

ABRAHAM LINCOLN

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## LOCAL GOVERNMENT

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***New laws seek to protect people in parades and funeral processions. County ethics requirements will apply to all appointees of the head of the county board. At least one township in Cook County can be abolished under statutory procedures.***

**Bidding Thresholds.** The threshold above which contracts of the Regional Transportation Authority, Chicago Transit Authority, Metra, and some local transit districts must be placed for bids was to rise from \$10,000 (for most bodies) to \$40,000 (S.B. 1474, Link—Rita, **vetoed, not overridden**).

**County Appointee Ethics Requirements.** Persons appointed by a county board president or chairperson must obey the county's ethics policies and be subject to its ethics officer or inspector general (H.B. 2925, Fine-Drury-Sims-Nekritz-Moylan et al.—Biss-McConnaughay).

**County Budgets** must have detailed statements of any bonus or increase in compensation, not subject to a union agreement, to any recipient of county money, whether or not a union member (H.B. 2482, Cabello-Franks-Farnham-Sente-Chapa LaVia—Stadelman et al.).

**Elmwood Park Railroad Project.** An Elmwood Park Grade Separation Authority is created and charged with separating the grades of railroad tracks from those of Grand Avenue in that village. Its nine-member board (including five voting members) will be appointed by the Governor with Senate confirmation from specified classes of persons. It can exercise eminent domain power; sell bonds; and accept federal and state grants and appropriations. It cannot levy a real property tax. Its work will be subject to Illinois

Commerce Commission supervision (S.B. 1409, Harmon—Lilly-McAuliffe-Arroyo-Martwick-D'Amico et al.).

**Fires (Banned) Charges.** A fire protection district may charge a fee to douse an open fire that was prohibited due to atmospheric conditions (S.B. 1417, Noland—Moffitt-Fortner-Smidly-Willis-Bost).

**Funeral Procession Violations.** A municipality can charge an administrative fee for impounding a vehicle whose operator drove it recklessly in, or in interference with, a funeral procession (S.B. 2154, Cunningham-Silverstein-E.Jones-Collins—Hurley-D.Brady-Welch-Rita-Walsh et al.).

**Open Space Land Funds.** A “distressed” local government as defined by Department of Natural Resources regulation may get state funds for up to 90% (normally 50%) of the funds to acquire and improve land for parks and other recreation areas. No more than 10% of the total funding for this purpose in any year may go to a single project (S.B. 1341, Lightford—Welch-Cavaletto-Rosenthal-Verschoore-Costello et al.).

**Parade and March Safety.** Parades are added to the kinds of events subject to an act requiring a permit or police permission to assemble on streets at more than one location. The local authority authorizing an assembly, march, parade, or other gathering



may bar any part of a planned route that would cross active railroad tracks (H.B. 3255, Nekritz-Moffitt-Lang-Osmond-Fortner et al.—Manar-Bivins-Muñoz-Richter-Link et al.).

**Township Abolition.** A township in Cook County that is substantially coterminous with a municipality whose governing body exercises township board powers or has at least one member on the township board, and which is at least 7 square miles, can be abolished by referendum. If that happens, the municipality will assume tax assessment, public health, general assistance, and highway functions of the abolished township (S.B. 1585, Biss-Steans-Althoff—Gabel-Fine-Cassidy-Yingling-Drury).

**Veterans—Degree Waiver.** The requirements that applicants for municipal police forces have associates' or bachelors' degrees can be waived if they served specified amounts on active military duty and were not dishonorably discharged (S.B. 1908, Barickman-Silverstein et al.—Harms-Cloonen-Sims et al.). □

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# PROFESSIONS & OCCUPATIONS

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*Several professional licensing laws have been amended to increase protections against drug addicts and sex offenders. The allowable scope of practice of advanced practice nurses is expanded to include more kinds of primary health care. Some kinds of military service will be recognized in licensing.*

**Accounting.** The Illinois Public Accounting Act is renewed to 2024. Changes include expanding the list of activities that are prohibited without being licensed as a certified public accountant; allowing separate licensing of individual CPAs and CPA firms; and authorizing medical exams of applicants and licensees suspected of being drug abusers or sex offenders (H.B. 1716, Rita-Durkin-Roth et al. — Martinez-LaHood-Connelly-Mulroe et al.).

**Advanced Practice Nurses.** The scope of functions that an advanced practice nurse may perform under a collaborative agreement with a physician is expanded, and includes providing physical exams, health screenings, and other primary care if within the scope of the AP nurse's training and experience. Unless there is an actual employment relationship between the physician and nurse, those functions can be performed anywhere in the state (H.B. 1052, Bradley-Cassidy-Feigenholtz-Jakobsson et al. — Steans-Haine-Mulroe-Frerichs et al.).

**Architects.** A provision allowing persons to qualify for licensing without professional degrees, but with 4 years of pre-professional baccalaureate education plus further training, is extended 2 years through 2015 (S.B. 1792, Martinez-Radogno-Delgado-Van Pelt et al. — Schmitz-Bellock et al.).

**Auctioneers.** An exception to the prohibition on auctioning of real estate without a real estate broker's license is created for a licensed auctioneer who obtains a real estate auction certification after 30 hours of training (S.B. 92, M.Sullivan—Sacia).

**Coal Mine Electricians.** A person may be certified as a mine electrician based on training or experience, plus passing a State Mining Board exam. Coal mine

electrical equipment and systems must be examined, tested, and maintained by a mine electrician (S.B. 2255, Clayborne—Beiser-Cavaletto).

**Community Association Managers.** A 2009 act on managers for community associations (including condominium and cooperative developments) is broadened to provide for licensing of several kinds of firms, in addition to people, to perform those functions. A firm offering such services must be supervised by a person licensed to do so under the new provisions (H.B. 595, Nekritz—Raoul-Mulroe).

**Credit-Related Insurance.** After receiving training from the insurer, a person can be issued a limited lines producer license to sell credit life, credit accident and health, and other kinds of credit insurance approved by the Director of Insurance (S.B. 1758, Haine—Mautino-Hammond).

**Dental Anesthesia.** The categories of anesthesia that a dental assistant can monitor, under a dentist's supervision, are expanded; but it is clarified that one dentist can supervise a total of no more than four such dental assistants at a time (S.B. 1217, Haine et al. — McAuliffe-K.Burke-Rosenthal).

**Detectives, etc.** The act on private detectives and related occupations is renewed to 2024 with some changes, including provisions on supervision of an agency after the licensee in charge of it ceases to be employed there; requirements for a fingerprint-based criminal background check of each member of a private security force; and added procedures in disciplinary cases (H.B. 2723, Rita—Althoff-Harmon).

**Dietitians and Nutritionists** may provide their services by "telepractice"



under statutory standards of care. They may provide enteral or parenteral nutrition only by meeting further requirements. They may provide medically prescribed diets in consultation with any physician licensed under the Medical Practice Act acting within the scope of such practice—except to residents of a nursing home, where the consultation must be with an M.D. or D.O. (S.B. 1229, Martinez et al. — Zalewski).

**Electrologists.** The Electrologist Licensing Act is renewed to 2024, with provisions for evaluating licensees and applicants who may be drug abusers or sex offenders and a doubling of the maximum civil penalty for unlicensed practice (H.B. 532, Zalewski—Martinez).

**Electronic Filing of Documents.** Architects, professional engineers, and land surveyors may electronically sign their work products. Any municipality may accept documents that have electronic signatures for things such as technical submissions (S.B. 1826, E.Jones-Silverstein et al. — Rita-DeLuca-Fortner-Tryon-Ives).

**EMTs.** Military training and experience in emergency medical assistance is to be recognized in EMT licensing. Required amounts of continuing education are specified for each license class (H.B. 3186, Moffitt-Kosel-Zalewski-McAuliffe-Bost—Frerichs-Hastings-Rose et al.).

**Lender Regulation.** The Department of Financial and Professional Regulation (DFPR) is authorized to establish

*(continued on p. 23)*

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# REVENUE

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**Several changes were made in the taxation of horse racing and the distribution of proceeds from it. Homestead exemptions from property taxes are increased, and increases in the assessed value of property due to its use for fuel extraction by “fracking” will be taken into account for purposes of the Property Tax Extension Limitation Law. Various new fees for use of recreational lands and facilities have been authorized.**

## Income Taxes

*Ex-offender tax credit.* This credit is expanded as follows: (1) its limit is raised from \$600 to \$1,500 per hire; (2) its application is expanded to persons convicted of any crime(s) other than those that require registration as a sex offender; (3) it applies to persons hired within 3 years (formerly 1) after release; and (4) it is exempted from an automatic sunset provision (S.B. 1659, Van Pelt-Collins-Link-Trotter-Hunter et al. — Turner-T. Jones-Mayfield-Welch et al.).

*Jobs tax break.* A manufacturer that applied to the Department of Commerce and Economic Opportunity in 2010 for exemption from state and local utility taxes added to utility bills, based on investments allowing job retention, can extend the schedule for retaining jobs by keeping at least 750 jobs in each year 2013 through 2017, in lieu of keeping 1,000 jobs in 2013 (S.B. 1379, Koehler — Unes-Gordon-Booth-Leitch-Sommer).

## Property Taxes

*Ambulance service tax.* A fire protection district, by referendum, may levy a tax up to 0.4% of assessed value (formerly up to 0.3%) to provide ambulance service (H.B. 3233, Leitch-Mautino-Moffitt-Bost — LaHood).

*Fracking property.* The definition of “new property” for the Property Tax Extension Limitation Law is expanded to include increased assessed value due to oil or gas production from a new “fracking” operation. The Department of Revenue must annually send information

on oil and gas production by fracking to chief county assessment officers (S.B. 2155, Frerichs — Bradley).

*Homestead exemptions.* The maximum senior citizen’s homestead exemption is raised from \$4,000 to \$5,000 in Cook County for tax year 2012, and all other counties for tax year 2013. The maximum general homestead exemption is raised from \$6,000 to \$7,000 in Cook County for tax year 2012 but will remain at \$6,000 in all other counties (S.B. 1894, Hutchinson-Murphy-Collins-Mulroe et al. — Bradley-Madigan-Zalewski-Mayfield et al.).

*Homestead exemption errors.* Cook County assessment notices must list any homestead exemptions applying to each parcel. Taxpayers who got homestead exemptions erroneously in past years may pay those back taxes with interest, but no penalty, for 60 days after getting that information. Afterward the assessment officer may record a lien for back taxes plus 10% annual interest and, if there were multiple erroneous exemptions, a 50% penalty. The taxpayer will be notified of the lien and may appeal. But an amnesty for past taxes unpaid due to erroneous homestead exemptions will be offered until the end of 2013, unless the taxpayer was already under investigation or had claimed at least three such exemptions in error (S.B. 41, Muñoz-Link et al. — Currie-Cassidy-Berrios-Zalewski et al.).

## Sales Taxes

*Mining.* The exemption of equipment for coal and aggregate exploration, mining, and processing (which ended July 1,



2003 but was reinstated July 9, 2012) is reinstated retroactive to July 1, 2003; but no tax already paid will be refunded (H.B. 2918, Costello-Mautino-Phelps-Bradley-Bost et al. — Manar-McCann et al.).

*Rental vehicles.* The exemption of rental vehicles from sales tax is expanded to apply to all First Division vehicles and Second Division vehicles of under 8,001 pounds (formerly only First Division and some van- or camper-type Second Division vehicles) (S.B. 1772, Sandoval-Althoff-Muñoz et al. — Turner-Brauer-Bost).

## Miscellaneous Taxes

*Horse racing.* Advance-deposit wagering can continue until January 31, 2014; the surcharge on winnings stays at 0.18%. The pari-mutuel tax rate for Fairmont Park stays at 0.75% (rather than rise to 1.5% when funds from a 10th license were received). Some transfers from the State Gaming Fund are required: one-time transfers of \$92 million to the School Infrastructure Fund (SIF) and \$23 million to the Horse Racing Equity Fund, and annual transfers totaling \$1.6 million for Chicago State University operations (in lieu of the 2% of operations from a new casino that it was to get) and \$66.36 million to the SIF. Separately, 20% of all deposits to the SIF must go to Chicago Public Schools and the rest for construction at other schools. Funds in the Horse Racing Equity Fund are distributed by the Racing Board (instead of the Treasurer) (S.B. 1884, Hutchinson — Lang-D.Burke-Riley-Jefferson).

*Little cigars.* Taxation and regulation of little cigars is transferred from the Cigarette Tax Act and Cigarette Use Tax Act to the Tobacco Products Tax Act of 1995, but they will continue to be taxed like cigarettes (S.B. 338, Hutchinson—Currie).

*Utilities.* In a 2009 case on income tax credits for investments by retailers, the Illinois Supreme Court opined that electric utilities are selling “tangible personal property” for purposes of the Illinois Income Tax Act, but made its decision prospective only. The General Assembly now declares that: (1) sales of electricity, natural gas, and water are not subject to sales and use taxes; (2) exemptions from those taxes for equipment used to make or assemble tangible personal property do not apply to equipment used to make or affect electricity, natural gas, or water; but (3) software used to operate such equipment is taxable. A separate provision changes somewhat the disclosures of information about corporate officers that must be included in sales tax registration applications for publicly traded corporations (S.B. 2243, Holmes-Althoff-Hutchinson-Connelly et al.—Currie-Smith).

*Various.* Rolling stock exemptions for vehicles used for air or water transport, primarily interstate, if bought after 2013, will apply if over 50% of either their trips or distance traveled is in interstate commerce. Equipment bought after 2013 for attachment to aircraft or watercraft will be eligible for the exemption only if the aircraft or watercraft are so exempt.

Changes in non-home-rule municipal sales tax rates need be reported to the Illinois Department of Revenue only by May 1 (was April 1) to be collected by the Department starting that July 1. Municipalities and counties no longer may impose replacement vehicle taxes (S.B. 2326, Hutchinson-Althoff—Currie).

## Laws From 2012 Veto Session

**Natural Resources Use Fees.** The Department of Natural Resources may charge entrance fees for state parks, trails, beaches, and other facilities including the State Museum. It may also charge fees for grant application processing, and for consultation on endangered species protection and natural areas preservation. Visitors from other states to DNR sites may be charged annual or daily fees for vehicle access. An off-highway vehicle operated in Illinois must have a \$15 Off-Highway Vehicle Usage Stamp (with exceptions for vehicles operated only on property on which their owners reside, and some other activities). Fees for identification numbers for powered watercraft were increased. The Mining Board is to charge fees to applicants for new or renewed certificates, except certificates of competency. Some existing fees for surface mining, oil drilling, commercial fishing, and capturing birds of prey have been greatly increased. DNR can charge up to \$5,000 for permits for use of waterways. A surcharge of \$2 was added for annual registration of a vehicle of up to 8,000 pounds. Most of the revenue from these new or higher fees will be used for conservation purposes (**P.A. 97-1136**, enacted by S.B. 1566, Hutchinson-Harmon-Noland-E.Jones et al.—Mautino-D. Harris-W.Davis-Sacia-Chapa LaVia et al.)

**Parking Taxes.** Chicago and Cook County can impose home-rule taxes (formerly pre-empted by state law) on use of parking facilities for a fee (**P.A. 97-1168**, enacted by H.B. 4148, Zalewski et al.—Hutchinson-Martinez-Hunter and **P.A. 97-1169**, enacted by H.B. 5547, Zalewski—Hutchinson-Kotowski). □

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## LRU Publications

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

### Federal Funds to State Agencies

This publication presents information on federal aid programs administered by Illinois state agencies. It includes program descriptions and outlay information. It also has a State Trust Fund section that identifies the trust fund(s) used for depositing federal grants. A table shows which programs are supported and what regions and populations of Illinois are served by the federal grants.

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

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

### 1970 Illinois Constitution Annotated for Legislators

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

### Illinois Tax Handbook for Legislators

This handbook gives information on every significant Illinois state tax.

### Laws for Youth

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

### Penalties for Crimes in Illinois

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

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## SOCIAL SERVICES

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***New laws call for expanded protections of adults with disabilities against abuse, neglect, and financial exploitation; require criminal background checks of more persons involved in care of children; strengthen civil penalties for making improper Medicaid claims; and make changes in Illinois law due to the federal Patient Protection and Affordable Care Act. Family assets are to be disregarded in determining eligibility for Temporary Assistance for Needy Families.***

**Adoptions (Interstate and International).** Department of Children and Family Services (DCFS) approval will be required for any out-of-state agency to place a child in Illinois under the Interstate Compact on the Placement of Children. Adoptions finalized before a child comes to Illinois need not comply with the Compact. DCFS must have an Intercountry Adoption Coordinator to establish preadoption requirements and issue letters of endorsement or denial after home studies on prospective adopters. DCFS must report to the General Assembly each year on numbers of endorsement and denial letters and appeal processes (H.B. 2809, Feigenholtz-Roth-Jakobsson-Sommer-Wheeler et al. —Raoul).

**Adult Protection.** Persons aged 18-59 with disabilities now qualify for the Department on Aging's Adult Protective Services (previously only those 60 and older) for investigation of suspected abuse, neglect, and financial exploitation. An "exploratory committee" will report on the feasibility of using one abuse hotline in place of existing hotlines of multiple agencies for reporting such problems. Starting in January 2014, the Department on Aging will report substantiated cases of abuse, neglect, or exploitation of an adult to the Health Care Worker Registry of the Illinois Department of Public Health; such a finding in the Registry will prevent the subject of the finding from providing care to, or having access to, a person who is over 60 or disabled and in a state-funded or regulated facility. Review teams are to investigate deaths of "at-risk adults"

regardless of age (H.B. 948, G.Harris-Bellock-Flowers-M.Davis-Martwick et al. —Haine-Martinez-Collins-Steans).

**Child Protection Background Checks.** DCFS must do fingerprint-based criminal history checks on all its employees and job applicants. "Non-licensed service providers" and volunteers at child-care facilities are added to those who must also get such criminal history checks (S.B. 1599, J.Morrison-Collins —Drury-Willis).

**Child Support From Gambling Winnings.** Horse racing and riverboat gambling licensees must withhold from winnings, and send to the Department of Healthcare and Family Services, any past-due child support owed by winners who have been identified to them as owing such support. Signs informing bettors about this law must be posted at gambling locations (H.B. 2843, D.Harris-Sosnowski-Bellock-Farnham-Tryon —LaHood-McCarter et al.).

**Medicaid Overpayment Penalties.** Expanded provisions are enacted for civil penalties on vendors and alternate payees found to have wrongfully claimed Medicaid reimbursements. Penalties can be as high as \$10,000 per improper item or service billed, or \$50,000 for some fraudulent or banned acts. Triple damages and interest continue to be authorized (S.B. 1330, Raoul-Mulroe-Collins —McAsey-Sims-Drury-Reboletti et al.).

**Mental Health Facilities; Nursing Homes; Federal Healthcare Law.** The Specialized Mental Health Rehabilitation Act (2011) is replaced



with the Specialized Mental Health Rehabilitation Act of 2013 reflecting some substantive changes. The Illinois Department of Public Health (IDPH) will continue licensing institutions caring for persons with serious mental illnesses. Changes are made to the Nursing Home Care Act to help improve patient funding and care. Changes are made to various state laws due to the federal Patient Protection and Affordable Care Act (S.B. 26, Steans-Koehler-Delgado-Martinez-Collins et al. —Feigenholtz-Hernandez-Verschoore-Currie-Ford et al.)

**Nursing Homes. Asset disclosure.** Nursing home residents or their representatives must be informed of the duty to disclose assets and income for Medicaid purposes, and that noncompliance can make a patient ineligible (S.B. 1197, J.Sullivan —Beiser-Sims).

**Information to clients.** Persons being prescreened for nursing home care or home services due to disorders including Alzheimer's and blindness must be told of spousal impoverishment provisions; the requirement to provide financial data to the state; and consequences of not doing so (H.B. 2765, Costello et al. —Haine-Mulroe et al.).

**Patient Protection and Affordable Care Act Implementation.** The Department of Insurance will certify "navigators" (persons or organizations providing information on, helping with enrollment in, and aiding in resolving

*(continued on p. 23)*

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## SOCIAL SERVICES

(continued from p. 22)

problems with plans offered through a federal or state health insurance exchange). A human navigator's certification must be renewed yearly. This new law also puts some restrictions on "certified application counselors" (to be federally defined). Both navigators and application counselors are barred from recommending any specific health insurance company or plan (S.B. 1194, Haine-B.Brady-Collins et al. — Mautino-Riley).

**Power of Attorney Oversight.** The state guardian and public guardian for the county, if investigating whether to file a petition for guardianship of a person who has granted a durable power of attorney, are added to the list of persons who can see the records of an agent under that power. These guardians also can seek damages from an agent who caused substantial harm to the person who granted the power (S.B. 1280, Silverstein—Madigan-Nekritz).

**TANF Disregard of Assets.** All of a family's assets must be disregarded when determining its eligibility for Temporary Assistance for Needy Families (H.B. 2262, Gabel-Soto-Golar-Osmond-Jakobsson et al. — Hunter-Collins-Van Pelt-Silverstein-Delgado et al.).

**Women Veterans.** The Illinois Discharged Servicemember Task Force is to make recommendations in its 2014 report on needs of women veterans, such as compensation, rehabilitation, outreach, and health care (H.B. 3346, Wheeler-Hatcher-Ives-Kifowit-Chapa LaVia et al. — Althoff-J.Morrison-Collins et al.). □

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## PROFESSIONS & OCCUPATIONS

(continued from p. 19)

schedules of fines and remedial measures for noncompliant makers of payday loans and consumer installment loans (H.B. 1323, Berrios-Lang — Martinez-Collins).

**Licensee Privacy.** When DFPR issues a license or certificate whose holder is required to display it at work, the license or certificate may not show the holder's address (H.B. 1338, Sosnowski — Connelly).

**Medical Licenses.** Fees for initial 3-year licenses are raised from \$300 to \$700 through June 2018, then will fall to \$500. Renewal fees are similarly raised. A \$6.6 million transfer from the Local Government Tax Fund to the fund that pays for medical license oversight, to be repaid by January 2018, will help speed up physician licensing (S.B. 622, J.Cullerton — Madigan-Currie-Flowers).

**Occupational Therapy.** The Illinois Occupational Therapy Practice Act is renewed to 2024, with changes including some expansions of the practices authorized for licensees, and authorization for medical exams of applicants or licensees suspected of being drug abusers or sex offenders (H.B. 2996, Mell — Althoff-Martinez).

**Physicians. Profiles.** Profiles of physicians posted by DFPR must list criminal convictions for the last 10 (formerly 5) years (H.B. 1327, Flowers-Ford-Conroy-Kifowit-Chapa LaVia — Delgado).

**Podiatrist Title Change.** The title "podiatrist" is changed to "podiatric physician" (H.B. 1388, Zalewski — Martinez).

**Plumbers.** The Illinois Plumbing License Law is extended to 2024 with no change (H.B. 1217, Rita-D'Amico et al. — Koehler et al.).

**Real Estate Brokers.** A managing broker's license can be reduced to that of a broker at the licensee's request. A written brokerage agreement need not expire within a definite time if it allows the client an annual chance to cancel with no more than 30 days' notice (S.B. 1655, Haine-Collins et al. — Sims).

**Shorthand Reporters.** The act regulating shorthand reporting is renewed to 2024 with several changes, including added grounds for discipline and provisions for evaluating licensees and applicants who may be drug abusers or sex offenders (H.B. 2721, Rita — Haine).

**State Police.** Applicants to be State Police officers, who received listed medals for recent military service, will be deemed to meet the educational requirements for those positions (S.B. 204, Muñoz — Hoffman-Cabello-Moffitt-Soto-Smidly et al.).

**Surgical Assistants.** The act on registered surgical assistants and technologists is extended to 2024, with provisions for evaluating licensees and applicants who may be drug abusers or sex offenders; doubling the maximum civil penalty for unlicensed practice; and other changes to tighten regulation (H.B. 533, Zalewski — Martinez).

**Title Insurance Agents** are to be regulated more tightly, including prohibitions on such work by anyone who has been convicted of a crime involving theft or dishonesty (with case-by-case exceptions), and added grounds for discipline due to dishonesty, misrepresentation, or acting in any capacity involving title insurance without authority (H.B. 1545, Berrios-M. Davis-Chapa LaVia-Soto — Martinez-Collins).

**Veterinarians.** The act regulating veterinary medicine and surgery is renewed to 2024 with several changes, including adding some grounds for discipline (H.B. 2517, Hurley-Welch et al. — Althoff-Martinez et al.). □

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# STATE GOVERNMENT & PENSIONS

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***New laws return healthcare procurement functions that were consolidated by a 2005 Executive Order back to the agencies that buy healthcare; make it easier to register online and vote early; and seek to trim costs to the state of some retirees' healthcare. The state's budgeting and grantmaking processes are to be made more transparent.***

**Buildings and Art.** The requirement that part of the budget for a public building be set aside for art is changed by exempting any project with an appropriation under \$1 million; transferring control over the nature and location of artworks under that requirement from the designing architect to the chairperson of the Illinois Arts Council; and deleting the requirement that the committee proposing works of art for the building include three local members. Such procurement of art is exempted from the Illinois Procurement Code. Provisions are made for addressing vacancies on committees that select contractors for public works to be built using the design-build method; and the act authorizing that procurement method is extended 5 years to 2019 (S.B. 1723, Holmes—Currie).

**Budgets.** *Date for proposing.* The Governor was directed to send his proposed state budget to the General Assembly by March 6 of 2013. After 2013, the prescribed date is the third Wednesday in February (H.B. 156, Currie-Kotowski).

*Transparency.* A working group of a commission under the Governor is to develop a plan to make the state budgeting process the most transparent and publicly accessible in the nation, and report to the Governor and General Assembly by January 1, 2015 (S.B. 2106, Althoff-McCann—Sandack-Moylan-Sente-Pihos-Fortner et al.).

**Elections.** *Primary voting at age 17.* A person who is age 17, and will be 18 by the date of the general election, can

vote in a primary election if otherwise qualified (H.B. 226, Sente-E.Sullivan-D. Burke-Pritchard-Costello et al.—Link-Manar-Harmon-Collins-Trotter et al.).

*Various provisions.* Would-be voters must be allowed to register, and voter registrations must be allowed to be changed, online. Voters must be allowed to apply online for absentee ballots. Provisions for “grace period” voting after late registration are expanded. Several changes are made in the operations of county boards of election commissioners in some counties. A place must be available in each public university campus for early voting. Votes cast on provisional ballots, for offices to be filled from areas that include the precinct where cast, are to be counted even though not cast in the right precinct.

The threshold for contributions received per year for a candidate that will make an entity a “political committee” that must disclose receipts and spending is raised from \$3,000 to \$5,000. If a candidate self-funds above the intended statutory limit on such funding during a primary election campaign, and then wins the primary, each candidate for that office can exceed statutory contribution limits during the general election campaign. The State Board of Elections can determine independently that a candidate has exceeded those limits; if so, the limits will cease to apply to other candidates for the same office. If a candidate withdraws from a primary ballot after the deadline for certifying candidates, no votes cast for that candidate are to be reported (H.B. 2418, Currie-Thapedi-Berrios et al.—Harmon-Raoul).

**Emergency Aid (Interstate).** One or more Illinois political subdivisions can enter into and act under mutual aid agreements with another state or its political subdivisions in emergencies that exceed the ability of the government in an affected area to respond, if no state or local emergency is declared before a request for mutual aid occurs (H.B. 2761, Moffitt-Sacia-Cavaletto-Pihos-Verschoore et al.—Althoff-Noland).

**Grant Transparency.** All agencies under the Governor, and all state-supported colleges and universities, must work with the Governor’s Chief Information Officer to develop systems for reporting their grants, at least quarterly and annually, on a publicly accessible Website. This will not apply to payments for specific services rendered, or to information that can be kept confidential under a federal, state, or local law or regulation (S.B. 2381, Radogno-Althoff-Rezin-Connelly-Kotowski et al.—Sandack-Moylan-Cabello-Hatcher-Pihos et al.).

**Legal Assistance.** The Illinois Supreme Court is encouraged to start a pilot program to encourage provision of legal services at no charge to military personnel and veterans. If it does, court clerks will charge an additional \$10 on the first pleading or other document filed by each side in a civil suit to help fund the program. A Statutory Court Fee Task Force will study all fees imposed by law on civil litigants and criminal defendants (H.B. 3111, McAsey-Smidley-Thapedi-Verschoore et al.—Mulroe-Raoul-Collins et al.).

**Lobbyist Reporting.** A lobbyist’s registration statement and reports on spending for a client, if the client is itself required to be registered under the Lobbyist Registration Act, must also list the entity that paid the client (H.B. 2943, Drury-Hatcher et al.—Morrison-Manar-Kotowski).

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**Pay Freeze; Furlough Days.** Salaries of legislators and other officers that formerly were recommended by the Compensation Review Board will not be adjusted for inflation in fiscal year 2014, and legislators will again have 12 unpaid days (H.B. 1441, Mussman-Conroy-Yingling-Willis-McSweeney et al.—J.Cullerton-Bush-Harmon et al.).

**Public Safety Officer Benefits.** Catastrophically injured public safety officers, and survivors of any who were killed on duty, if getting health benefits paid by the former public employers due to such injury or death, must report to the Commission on Government Forecasting and Accountability on any current employment and medical benefits plus other information. The results will be aggregated and reported biennially to the Governor and General Assembly (S.B. 1245, Radogno-Althoff—Williams-Sente-Pihos-Soto et al.).

**Healthcare Procurement.** Executive Order 05-3 (2005), which consolidated several agencies' healthcare procurement in the Department of Healthcare and Family Services, is reversed (except its change of that agency's name from "Department of Public Aid"). The departments whose healthcare procurement the 2005 order consolidated, and the Department of Juvenile Justice, will again procure healthcare separately starting in February 2014 (S.B. 1256, Haime—Madigan-Currie-M.Davis et al.).

**Retiree Health Care.** *Chicago retirees.* Existing requirements that retirement systems for Chicago employees subsidize Chicago's healthcare plans for its retirees until mid-2013 were extended through December 2016, unless Chicago closes its healthcare plan for retirees by then (S.B. 1584, Mulroe-Cunningham—Currie-Dunkin).

*State retirees.* The Department of Central Management Services (CMS) is to create a separate program of health benefits for state retirees and their dependents for whom Medicare is the primary healthcare payer. Separately, CMS may offer financial incentives for state retirees, not yet eligible for Medicare, to decline State Employees' Group Insurance; such retirees need not be under the State Employees' Retirement System (S.B. 1515, Harmon et al.—Madigan).

**State Workforce Data.** CMS must provide each executive-branch agency a format for reporting data on its workforce, including pay and mobility. CMS must post the data provided on the Illinois Transparency and Accountability Portal (S.B. 1670, B.Brady—Brauer-Pihos-Fortner-Franks-Farnham et al.).

**Teacher Early Retirement.** The option for downstate teachers to retire between mid-2005 and mid-2007 and make one-time payments to avoid reductions in their pensions due to retirement before age 60 is re-established for teachers who stopped teaching by mid-2013 and turn 55 in the last half of 2013. A similar option is offered for teachers retiring between mid-2013 and mid-2016 with employer approval (S.B. 1366, Biss-Althoff—Nekritz-Mayfield-Sims et al.).

**Thomson Prison Transfer.** The state transferred to the United States concurrent jurisdiction over the property comprising the Thomson prison in Carroll County (S.B. 30, Jacobs et al.—Sacia-Smidly-Verschoore).

**Transit Board Members' Pensions and Insurance.** Persons joining the boards of the Regional Transportation Authority, Pace, Metra, and the Chicago Transit Authority after July 23, 2013 are not eligible for public-employee pensions or coverage by state employees' group insurance based on

servicing on those boards (H.B. 140, Franks-Chapa LaVia-D.Harris-Farnham-Osmond et al.—Duffy).

**Union Eligibility of State Employees.** A number of categories of state employees (mostly engineering or administrative) are added to those who can join unions (S.B. 1910, Harmon-Althoff et al.—Bradley-Smidly).

**Workers' Comp for State Employees; Veteran-Owned Businesses.** CMS can use accounts outside the state treasury to hold funds to pay workers' compensation to injured state employees. Small businesses owned by veterans who are also women, minority members, and/or persons with disabilities no longer must choose whether to be considered for public contracts as veteran-owned businesses or as businesses owned by members of those other groups (H.B. 2408, Costello-Chapa LaVia-Farnham-D.Harris et al.—Hastings-Noland-Collins et al.).

## Law from 2012 Veto Session

**Union Membership Limits.** Legislative liaisons; lawyers and advisers for the Attorney General and Secretary of State; and some other policy-related state employees (including up to 3,580 in positions that can be designated by the Governor) have been excluded from collective bargaining (**P.A. 97-1172**, enacted by S.B. 1556, J. Cullerton—Currie). □

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# TRANSPORTATION

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**Handheld cellphone use when driving is banned on January 1, 2014. Speed limits on non-urban parts of Interstate highways will rise to 70 m.p.h., but populous counties can set lower limits. Starting in 2015, no vehicle registration or renewal will be allowed without information on insurance coverage for the vehicle. School buses can be equipped with cameras to record motorists violating the prohibition on passing a stopped school bus. Boat operators involved in serious accidents must allow testing for intoxicants; their land-vehicle drivers' licenses can be suspended for refusing. Some restrictions on signs along Interstate and primary highways will be relaxed if federal funding will not be affected.**

**Boating Under the Influence.** A boat operator who is involved in an accident resulting in death or significant personal injury is deemed to give consent to testing for alcohol and other drugs or intoxicants. Refusing or failing such a test may result in motor vehicle driver's license suspension. Such a suspension can be contested by requesting a hearing (S.B. 1479, Morrison-Althoff—Drury-T.Jones-Davidsmeyer-Moffitt et al.).

**Communication Device Use While Driving.** Using a handheld electronic communication device while driving will be prohibited January 1, 2014, with some exceptions. The exceptions allow, among other things, hands-free use (including using a phone headset), and making or ending a call by pressing only one button (H.B. 1247, D'Amico-D. Harris-Sente-Hernandez-Zalewski et al.—Mulroe-Bush-Morrison).

**Construction-Effects Mitigation.** The Illinois Department of Transportation is instructed to work with communities and local businesses before and during highway construction to reduce harm to them, such as by detouring traffic (H.B. 2382, Hatcher-Riley-Kosel-Pihos-E.Sullivan et al.—Bertino-Tarrant).

**Disability Parking. Cancer patients.** Cancer is added to the reasons a person who has problems walking may qualify as a person with a disability under the Vehicle Code (H.B. 1809, Pritchard-Franks-Farnham-Sente-Chapa LaVia—Holmes).

**Meter exemptions.** A permanent disability will be required to get a "meter-exempt" disability parking decal or hanging tag starting January 1, 2014. Such insignia will not allow free parking in publicly owned parking structures (S.B. 1929, N.Harris-Hastings-Hunter-Collins et al.—T.Jones-W.Davis-Riley).

**Driver Ed for Young Adults.** No one who is at least 18 but under 21 can get a driver's license or permit without taking an adult driver education course of at least 6 hours with curriculum and materials from the Secretary of State. The Secretary will certify and regulate course providers. The charge for each course will include \$5 for the Secretary's costs to administer the program (H.B. 772, D'Amico-McAuliffe-E.Sullivan-Zalewski-Hernandez et al.—Silverstein).

**Driver's Licenses. CDLs for vets.** The Secretary of State is to waive the skills test for a Commercial Driver's License if the applicant has military commercial motor vehicle experience and meets conditions in a section of U.S. Department of Transportation regulations (H.B. 2563, Pritchard-Costello—Muñoz-Connelly-McCann).

**Commercial learners' permits.** Starting July 1, 2014, a commercial learner's permit (CLP) can be issued to an applicant meeting qualifications stated in this act, authorizing practice driving



of a class of commercial vehicle if accompanied by a person who has a commercial driver's license (CDL). Either kind of commercial license is to be cancelled if fraudulently obtained (S.B. 1757, McGuire et al.—Walsh).

**Sanctions.** A driver's license may be subject to multiple revocations and/or suspensions, with each given independent effect. Several provisions imposing criminal penalties for repeated driving during a license revocation or suspension will apply only if both the current license sanction and the previous one were for very serious driving offenses (H.B. 2477, Reboletti-Cross—Connelly).

**Highway Work Zones.** Starting January 1, exceeding a highway construction or maintenance zone speed limit will incur the fine for such violations whether or not workers are present. But the penalty of suspension of driving privileges for a repeat offense within 2 years will apply only if the latest violation and at least one prior one occurred with workers present (H.B. 1814, Tryon—McConaughay).

**Insurance. Electronic proof.** Insurers may offer, and motorists may show as proof of liability coverage, electronic images from those insurers on screens of cellphone or other portable electronic devices (H.B. 3139, Smith-M. Davis-Mayfield-Martwick-Riley et al.—Haine; S.B. 1775, Haine-Silverstein-B.Brady-Connelly et al.—Smith-Berrios-Sims-Fortner).

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**Enforcement at registration.** Starting in 2015, no vehicle will be registered without information on liability insurance on the application for registration. Knowingly providing false information will be a Class C misdemeanor. A “remittance agent” who forwards vehicle registration applications to the Secretary of State must collect and forward insurance information or suffer license suspension or revocation (S.B. 1940, Bivens—Demmer-Sacia-Kay et al.).

**Liability limits.** Starting in 2015, minimum liability limits for auto insurance policies are increased by about 25%, to \$25,000 per person, \$50,000 for two or more persons in one accident, and \$20,000 for property damage (S.B. 1898, Biss-Raoul-Van Pelt-Collins—Fine-Welch-Leitch-Smith-Sims et al.).

**License Plates.** *Nurses.* Illinois Nurses plates may be issued for an extra \$35 initially and \$22 at renewal. Each year, \$20 will go to a new Illinois Nurses Foundation Fund to advance the nursing profession in Illinois (S.B. 1383, B.Brady-Sandoval-McConnaughay-Koehler-Althoff et al.—Brauer-D’Amico-Moffitt-Beiser-Unes et al.).

*Red Cross* plates may be issued for an extra \$40 initially and \$27 per renewal. Net proceeds (\$25 yearly) will go to the American Red Cross or charities it designates (S.B. 1439, Dillard-Koehler et al.—Bellock-D.Brady-Moffitt).

*State Police Memorial* plates may be issued for an extra \$25 initially and at each renewal. They will support a memorial park, commemorations, scholarships, and aid to families of fallen State Police officers (H.B. 3057, Sacia-Reboletti-Costello—Munoz).

**School Bus Passing Violations.** A municipality or county, by ordinance, may enforce the prohibition on passing a stopped school bus by putting devices on school buses to record visual images, including license plates, of violating

vehicles. Any such bus must have a sign warning motorists of the enforcement system. Alleged violators will get written notices and can contest charges in an administrative hearing or in court. Civil penalties can be up to \$150 for a first violation or \$500 for a repeat violation. The school district and local government enacting the ordinance will split proceeds. A local government enacting such an ordinance must do a statistical analysis of whether it appears to increase accidents as drivers approach school buses (S.B. 923, Muñoz-Martinez et al.—Hoffman-Welch-DeLuca et al.).

**Seatbelt Exceptions.** The existing exemption of emergency vehicle drivers and passengers from using seatbelts will not apply to fire department or State Fire Marshal vehicles, or to ambulances—unless providing life-saving measures prevents seatbelt use (H.B. 2776, Moffitt-Smidly-Costello-Verschoore-D.Brady et al.—Noland).

**Signs Along Highways.** If receipt of federal transportation funds will not be affected, the Illinois Department of Transportation is to relax some laws and regulations when issuing permits for signs along Interstate and primary highways. Changes include allowing government-operated electronic signs in Cook County (including Chicago) for commercial, public, and emergency information; easing restrictions on on-premises signs and signs advertising real estate on a parcel containing the signs; and repealing a section that allowed signs informing drivers about fuel, food, and lodging places at upcoming interchanges (H.B. 2764, Scherer-M.Davis et al.—Muñoz-McCann-McCarter et al.).

**Speed Limit Increase.** On January 1, 2014 the limit on Interstate highways outside urban areas will rise to 70 m.p.h. But Cook and the collar counties, and Madison and St. Clair Counties, can set lower limits than are prescribed by law. Thresholds for

speeding to become a misdemeanor are lowered by 5 m.p.h.; for example, driving at least 35 (formerly 40) m.p.h. over the speed limit will be a Class A misdemeanor (S.B. 2356, Oberweis-Sandoval-Landek-McConnaughay-N.Harris et al.—Costello-Davidsmeyer-Franks-Reboletti-W.Davis et al.).

**Traffic Control.** Persons designated by local authorities may direct traffic. Persons may be so designated to direct processions or assemblages (H.B. 1539, Dunkin-Martwick-Smith-D’Amico-Fortner et al.—Muñoz-Althoff-Holmes et al.).

**Traffic Violations and Drivers’ Licenses.** No one under 18 who has been issued a traffic citation can get a graduated driver’s license until the citation is disposed of. If a driver is cited for a violation causing death or serious injury, the prosecutor may ask the court to invalidate the driver’s license or permit (H.B. 1009, D’Amico-McAuliffe-Moffitt et al.—Sandoval-Silverstein).

## Law From 2012 Veto Session

**Visitor Driver’s License.** A person who has lived in Illinois more than 1 year; is ineligible for a Social Security number; and does not have immigration documents can apply for a “temporary visitor’s driver’s license.” Such a license will not be valid without proof of liability insurance (**P.A. 97-1157**, enacted by S.B. 957, J.Cullerton-Radogno-Millner-Muñoz-Martinez et al.—Acevedo-Hernandez-Saviano-Arroyo-Berrios et al.). □

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## BILLS WITH GOVERNOR'S ACTION

All bills summarized in this issue of *First Reading* are listed below. Beside the number of each bill 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 2012 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 98-	H.B.	Public Act 98-	H.B.	Public Act 98-	S.B.	Public Act 98-	S.B.	Public Act 98-
1	122	1548	399	2992	462	1192	558	1757	176
3	26	1651	181	2996	264	1194	524	1758	159
61	353	1652	402	3010	164	1197	523	1764	573
64	129	1809	405	3023	266	1210	516	1772	574
71	354	1814	337	3029	267	1217	147	1775	521
83	101	1868	28	3038	268	1221	560	1791	533
101	357	2245	408	3043	466	1226	340	1792	288
131	358	2262	114	3054	468	1229	148	1814	160
140	108	2335	239	3057	469	1245	561	1826	289
156	2	2339	172	3061	142	1256	488	1829	545
160	131	2353	306	3070	471	1280	562	1831	290
183	63	2382	412	3081	472	1287	120	1844	536
188	349	2404	61	3111	351	1307	544	1849	292
226	51	2408	307	3125	107	1322	88	1851	293
494	16	2418	115	3128	476	1330	550	1854	161
530	362	2471	416	3139	V	1341	520	1872	538
532	363	2477	418	3175	479	1354	490	1884	18
533	364	2482	419	3186	53	1366	42	1894	7
595	365	2517	339	3190	480	1379	321	1898	519
630	55	2520	426	3191	271	1383	150	1900	295
631	132	2563	52	3233	319	1399	276	1908	510
733	367	2585	507	3243	483	1409	564	1910	100
772	167	2590	430	3359	68	1417	279	1912	548
801	369	2606	21	3223	482	1439	151	1923	552
804	370	2640	435	3255	320	1474	V	1929	577
821	133	2647	437	3267	117	1479	103	1931	578
923	105	2649	106	3346	310	1495	566	1940	539
948	49	2661	440	3379	190	1515	19	2101	540
958	187	2674	251	3380	486	1584	43	2106	580
996	377	2675	441			1585	127	2136	546
1009	168	2695	442	<b>S.B.</b>	<b>P.A. 98-</b>	1587	569	2154	518
1010	169	2721	445	9		1598	528	2155	23
1052	192	2723	253	20	109	1599	570	2157	116
1063	379	2737	308	26	104	1603	90	2178	166
1139	58	2753	447	30	70	1620	183	2184	541
1189	508	2761	309	41	93	1623	184	2218	186
1199	381	2764	56	56	514	1625	48	2226	542
1201	204	2765	255	70	77	1639	509	2229	314
1217	140	2768	59	92	553	1640	530	2231	315
1225	305	2771	67	115	555	1655	531	2243	583
1247	506	2776	451	204	54	1664	45	2245	316
1288	383	2809	455	338	273	1670	283	2266	57
1309	385	2832	99	572	515	1686	532	2255	543
1323	209	2843	318	622	3	1659	165	2306	501
1327	210	2856	332	626	41	1703	156	2326	584
1338	211	2893	263	923	556	1715	22	2350	586
1388	214	2918	456	1005	14	1723	572	2356	511
1441	30	2925	457	1006	547	1735	285	2371	587
1443	393	2934	458	1042	522	1738	31	2380	588
1539	396	2943	459	1191	82	1756	350	2381	589
1545	398	2969	174						

## CRIMINAL LAW

(continued from p. 11)

**Second-Chance Probation.** A person found guilty of a nonviolent, probationable Class 3 or 4 felony, and not earlier convicted of a felony, can get probation under stated conditions if the offender and state’s attorney agree. If the offender completes probation, the criminal case will be dismissed. A person can use this option only once (H.B. 3010, Cross-Reboletti-Bellock et al. —Holmes-Raoul-Mulroe-Collins et al.).

**Sex Offenders. Evaluations.** A person can be evaluated under the Sexually Dangerous Persons Act by two qualified sex offender evaluators who may be psychologists or other licensed professionals specializing in sex offender evaluation (formerly two psychiatrists) (S.B. 1322, Haime—Kay-Bellock et al.).

**Prohibited places.** Recreational areas and playgrounds within publicly accessible private buildings are added to the list of places where a child sex offender (except the parent of a child who is there) is prohibited from being and interacting with a minor (H.B. 3023, Hurley-Welch-Zalewski-Conroy-Manley et al. —Cunningham).

**Victim privacy.** A criminal charge alleging an illegal sex act can refer to the victim by name, initials, or description (H.B. 2471, Cassidy—Collins-Hunter).

**Taser and Stun Baton Training.** Police officer training must address use of “electronic control devices” (defined for purposes of another section to include Tasers<sup>®</sup> and stun batons), including their physical and psychological effects. The Law Enforcement Training Standards Board is to inspect police departments and university police departments randomly in 2014 and 2015 on whether officers are getting proper training on this topic. The Board will report its findings, and can recommend changes to laws on this topic (H.B. 131, M.Davis-Flowers-Mayfield-Reboletti-Welch et al. —Hutchinson et al.).

**Tracking Devices on Vehicles.** Use of a tracking device attached to a vehicle to follow personal movement becomes a Class A misdemeanor, with exceptions including use by police or with the vehicle owner’s consent (H.B. 1199, Sosnowski—Syverson).

**Trafficking Victims; Tattoo Removal.** The crime of human trafficking becomes compensable under the Crime Victims Compensation Act. Victims can be

reimbursed for costs of removing tattoos that were applied in connection with the crime (H.B. 2640, K.Burke-Williams-Drury-Senger-McAuliffe et al. —Delgado-Steans-Collins-McCarter-Hunter).

**Vandalism.** Persons convicted of criminally defacing property must pay repair costs in all cases, even if the crime is only a misdemeanor (H.B. 3043, D.Harris-Cabello-Zalewski-Reboletti et al. —Manar-Althoff-McCann et al.).

**Video Recording—Discovery Rule.** A prosecution for unauthorized video recording in a private location can begin within 1 year after discovery of the crime by the victim, as an alternative to the limitation period of 18 months or 3 years (S.B. 1851, Connelly—Reboletti-Smidly et al.).

**Workplace Violence.** An employer can seek an order of protection to protect an employee who has been subjected to violence or a credible threat of violence at work (H.B. 2590, Sandack-Bellock-Zalewski-Pihos-Leitch et al. —LaHood-Connelly-Holmes-Murphy et al.). □

*Melissa S. Cate*  
Senior Research Associate

### 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

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

## **Aging Dept.**

*Elder Abuse and Neglect Program annual report, FY 2011*

Program received 10,949 reports of financial exploitation, emotional abuse, passive neglect, physical abuse, willful deprivation, confinement, and/or sexual abuse. The Department continued B\*SAFE (Bankers and Seniors Against Financial Exploitation) to train bank staff to detect financial exploitation. It also sponsored 24th Annual Elder Rights Conference, and a Supervisor's Retreat in 2010. (320 ILCS 20/11; undated, rec'd Feb. 2013 (brochure))

## **Central Management Services Dept.**

*Annual Flex Time Report, 2012*

The Personnel Code requires agencies to develop plans to reduce use of day care through flex time for eligible employees. Among 43,764 employees under the Personnel Code, 12,684 (29%) used flexible hours. Participation rose in 29 agencies but fell in 15. Among participants, 9,611 used flexible work hours; 2,504 worked full-time compressed workweeks; 518 worked part-time; and 71 used job sharing. (20 ILCS 415/9(13); March 2013, rec'd April 2013, 4 pp.)

*Illinois Prescription Drug Discount Program annual report, 2012*

Operating as "Illinois Rx Buying Club," the program offered discounts on prescriptions for qualifying state residents. In 2012 it had 49,738 members, getting average discounts of 22% on prescriptions drugs. Total savings since 2004 were over \$12.2 million. The program was to end July 1, 2013. (320 ILCS 55/50; issued and rec'd March 2013, 7 pp. + appendices)

*Service Disabled Veteran-Owned Small Businesses and Veteran-Owned Small Businesses, annual report FY 2011*

These programs aim to boost state business to qualified veteran vendors. Application and certification procedures were developed in FY 2011; 14 applications were received in FY 2012; and two firms

were certified. No contracts had been awarded yet, but at least 3% of total state contracts by value were projected to go to these businesses. (30 ILCS 500/45-57(b); March 2012, rec'd Feb. 2013, 1 page)

## **Commerce Commission**

*Accidents and incidents involving hazardous materials on Illinois railroads, 2012* Commission checked 16,720 railroad cars carrying hazardous materials and found violations in 1.3%. Of the 91 railway accidents involving hazardous materials, 4 derailments released hazardous materials, 13 did not, and 74 such releases occurred without derailment. Tables show location, railroad, material, suspected causes, amounts involved and released, and dates of incidents. (625 ILCS 5/18c-1204(3); issued & rec'd April 2013, 21 pp.)

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

*Build Illinois revenue funds, 2012* Build Illinois Capital Revolving Loan Fund balance rose from \$2.24 million to \$4.45 million; Illinois Equity Fund from \$601,566 to \$604,294; and Build Illinois Large Business Attraction Fund from \$663,876 to \$796,000. Build Illinois Capital Revolving Loan Fund loan, investment, award, and grant disbursements were \$900,372; Illinois Equity Fund and Build Illinois Large Business Attraction Fund disbursements were both \$0. (30 ILCS 750/9-9 and 750/10-9; issued and rec'd Jan. 2013, 6 pp.)

*Renewable Energy Resources Program report, 2012*

RERP has promoted over \$354 million of total investments in renewable energy projects in Illinois since 1997. It awarded 208 grants and over 1,437 rebates totaling more than \$52 million by December 2012. In 2012, RERP awarded over \$6 million in incentives to support over \$24.5 million in renewable energy projects, consisting of \$2 million in solar and wind energy rebate incentives and \$4 million in other grants. (20 ILCS 687/6-3(e); undated, rec'd April 2013, 9 pp.)

## **Comptroller**

*Receivables report, 2012*

Gross receivables due to the state at 2012 yearend were \$15.332 billion, up \$906 million (6%) from 2011. The increase came mostly from \$402 million in increased interest income on delinquent child support claims and increased public assistance recoveries at Department of Healthcare and Family Services, and \$239 million in revolving loan receivables at EPA. Net receivables (believed to be collectible) were \$3.2 billion, up \$365 million (13%) from 2011. Of those, child support claims were the largest group (31%), followed by interest and investment income (16%), public aid recoveries (14%), taxes (12%), contributions (4%), and current loan and note repayments (3%). All others totaled 20%. Lists receivables by agency. (30 ILCS 210/4(d); Dec. 2012, rec'd March 2013, 28 pp.)

## **Corrections Dept.**

*Quarterly report, Jan. 1, 2013*

Adult facilities had 49,348 residents on November 30, 2012 (46% over rated capacity but 5% below actual bedspace). Adult transition centers had 940 (140 below rated capacity); 101 were in electronic detention. Average ratio of prisoners to security staff was 4.9. Nearly all were double-celled (68%) or multi-celled (25%), with some 34 square feet of actual living area each. Enrollment (unduplicated) in educational and vocational programs was 7,581. No capital projects were being funded. (730 ILCS 5/3-5-3.1; Jan. 2013, rec'd April 2013, 12 tables)

## **Educational Labor Relations Board**

*Annual report, FY 2012*

Board handled 91 representation cases; was involved in mediation in 5 strikes; and considered 265 unfair labor practice charges. Summarizes major board decisions and court rulings. Board's budget was \$1.04 million. (115 ILCS 5/5(j); Feb. 2013, rec'd March 2013, 20 pp.)

## **Employment Security Dept.**

*Bilingual frontline staff, 2012*

IDES had 141 bilingual front-line employees in March 2013. Their other languages were Spanish (132), Polish (7), and 1 each Chinese and manual communication. Lists all bilingual front-line employees, job titles, and descriptions. (5 ILCS 382/3-20; issued and rec'd April 2013, 5 pp. + attachments)

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

*Medical Assistance Program, FYs 2010-12*

The Department spent \$12.4 billion on Medicaid in FY 2012. It served about

3.1 million enrollees in an average month through 73,580 providers (43,151 physicians; 2,883 pharmacies; 732 nursing facilities; 454 home health agencies; and 260 hospitals). The Integrated Care Program for seniors and people with disabilities who do not qualify for Medicare had enrolled 36,090 clients by September 2012. (305 ILCS 5/5-5 and 5/5-5.8; issued & rec'd April 2013, 81 pp.)

### **High School Graduation Achievement and Success Commission** *Report, 2013*

The Commission was created in 2012 to help schools develop policies to increase graduation rates. The Consortium on Chicago School Research provided research showing that students likely to drop out can be identified. Commission recommended, among other things, that each high school have a data system identifying students at risk, and intervene; and the state use research-based policies to reduce chronic truancy and dropping out. Reports that students "on track" at the end of 9th grade have almost 60% higher graduation rates than others. (105 ILCS 5/26-17(h); issued & rec'd April 2013, 38 pp.)

### **Human Rights and Human Services Depts.**

#### *Interagency Committee on Employees with Disabilities annual report, FY 2012*

The Committee promotes a nondiscriminatory environment for employees with disabilities in state government. Of all state employees in FY 2012, 7.35% had disabilities (up from 6.97% in FY 1997). The Committee (1) sponsored a Webinar on promotion opportunities for employees with disabilities; (2) hosted an awards ceremony to recognize supporters of employees with disabilities; and (3) worked with CMS to change wording in position descriptions that unnecessarily disqualifies persons with disabilities. (20 ILCS 415/19a; issued & rec'd April 2013, 12 pp.)

### **Human Services Dept.**

#### *Autism program report 2012*

Describes progress of DHS Autism Task Force in addressing early intervention for children with autism; improving family support so people with autism can remain at home; transition from public schools; and feasibility of getting federal support. Actions include: publishing updated training and education resource catalog; forming a subcommittee to address service gaps; and planning autism trainings for YMCA programs around the state. Plans were underway for autism research grants.

(20 ILCS 1705/57; Jan. 2013, rec'd March 2013, 13 pp.)

#### *Emergency & Transitional Housing Program, FY 2012*

Using public and private shelters, the Emergency & Transitional Housing Program (ETH) provided over 2.1 million shelter nights, 3.8 million meals, and 1.7 million units of supportive services to homeless persons in FY 2012 at a cost of \$8.7 million. It serviced to 42,179 persons in 28,997 households. (305 ILCS 5/12-4.5; 2012, rec'd Feb. 2012, 20 pp.)

#### *Homeless Prevention Program, FY 2012*

The Program received \$1.4 million in FY 2012—\$1 million less than in FY 2011. The 21 organizations getting Homeless Prevention Program money served 1,691 households (down from 2,559 in FY 2011), consisting of 2,378 adults and 1,932 children. Among those households, 90.7% kept their housing with Program help, at an average cost per household of \$864. (310 ILCS 70/13; undated, rec'd Feb. 25, 2013, 26 pp.)

#### *Social Services Block Grant Fund report, July-Dec. 2012*

Fund received \$35.6 million in federal funds. Transfers were \$22.7 million to General Revenue Fund, \$4.2 million to Special Purpose Trust Fund, and \$8.7 million to Local Initiative Fund. (305 ILCS 5/12-5; issued & rec'd Jan. 2013, 1 p.)

### **Illinois Power Agency**

#### *Annual Report, FY 2011*

Illinois Power Agency was created in 2007 to reduce electricity costs, ensure stable prices, and make power supply contracts based on cost and value. Its procurement actions brought consumer savings of \$1.64 billion since 2009 (\$1.45 billion in electric supply savings and \$189 million in renewable energy savings). It managed procurement of renewable energy through 20-year power purchase agreements in December 2010. ComEd and Ameren customers began getting renewable energy and renewable energy credits in June 2012. The Agency also has \$4 billion in bonding capacity to support development of power generation assets. (20 ILCS 3855/1-125; undated, rec'd Feb. 2013, 22 pp.)

### **Insurance Dept.**

#### *Insurance cost containment report, 2012*

Illinois policyholders paid \$18.97 billion in direct written premiums in 2010. Property/casualty losses dropped for a second straight year. Losses divided by direct earned premiums declined from 66.1% in

2009 to 65.2% in 2010. The HHI (a measure of market share concentration) saw a slight rise for medical malpractice insurance, to 4321, after 2 years of decline. HHIs of other insurance lines were below 1350. (215 ILCS 5/1202(d); April 2012, rec'd Feb. 2013, 38 pp. + 6 appendices)

### **Juvenile Justice Dept.**

#### *Quarterly report, April 1, 2013*

Illinois juvenile facilities held 851 youth on February 28, 2013—below rated capacity of 1,254 and bed space for 1,509. Population was projected to rise to 907 by March 2014. Ratio of residents to security staff was 1.3. Youth were single-celled (73%) or double-celled (27%), with about 103 square feet of actual living area each. Enrollment (unduplicated) in educational and vocational programs was 679. No capital projects were funded. (730 ILCS 5/3-5-3.1; issued & rec'd April 2013, 9 tables)

### **Legislative Information System**

#### *Biennial report 2011-2012*

LIS provided some 20 information technology services to the General Assembly, including systems for use in bill drafting, tracking, voting, and enrolling and engrossing; audio and video services for each house; posting journals and debate transcripts; hosting the Illinois Administrative Code; and tracking federal grants. Expanding technology for committees was a major goal for the 98th General Assembly. (25 ILCS 145/5.07; issued and rec'd April 2013, 35 pp.)

### **Medical District Commission**

#### *Biennial report, FY 2011-2012*

Accomplishments include opening of Rush University Medical Center; groundbreaking for Mile Square Health Center; expansion of American Red Cross of Greater Chicago and Chicago Children's Advocacy Center. Plans include improving District services; improving coverage for uninsured persons; supporting transfer of biomedical research to patient care; and allowing data sharing among medical providers. Operating revenues were \$3.2 million in FY 2011 and \$3.9 million in FY 2012. (70 ILCS 915/2; March 2013, rec'd April 2013, 22 pp.)

### **Public Health Dept.**

#### *Report under Nursing Home Care Act and Abused and Neglected Long-Term Care Facility Residents Reporting Act, 2011*

Illinois had 1,247 nursing homes in 2011. Total allegations of abuse (physical, sexual, verbal, and mental) by nursing aides

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## FIRST READING

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## ABSTRACTS

(continued from p. 31)

fell from 149 in 2010 to 83 in 2011. Total reports of neglect and abuse fell from 2,305 in 2010 to 1,395 in 2011. IDPH found 29% of allegations valid. (210 ILCS 30/6 and 45/3-804; Sept. 2012, rec'd March 2013, 61 pp., tables, figures, appendices)

### Revenue Dept.

*Illinois Lottery annual report, FY 2010*  
Lottery revenues were \$2.2 billion. Instant ticket sales were 53.4% (\$1.17 billion) of revenues. Agents earned over \$110 million in commissions. Transfers to Common School Fund were \$614 million; transfers to other state funds, \$37 million. Includes audits of State Lottery Fund financial statements. (20 ILCS 1605/7.8; undated, rec'd Feb. 2013, 38 pp.)

### Sports Facilities Authority

*Annual report, 2012*

The Authority improved scoreboard controls, video surveillance, energy efficiency, lights, a parking lot, and concession stands, and began structural maintenance work. Its total assets were \$395.6 million and liabilities were \$460.4 million in mid-2012, for negative equity of \$64.8 million. The hotel tax provided most revenues; most spending was bond interest. (70 ILCS 3205/18; undated, rec'd July 2013, 21 pp.)

### State Board of Education

*Special education expenditures and receipts, FY 2012*

Lists each school district's special education spending; receipts (mostly for special education) from local, state, and federal sources; and net education spending exceeding such receipts, based on districts' FY 2012 financial reports. The Chicago district had the highest excess of special education spending over receipts (\$39.5 million). Average excess of special education spending over receipts was \$1.6 million per district in the rest of the state. (105 ILCS 5/2-3.145; issued & rec'd May 2013, 58 pp.)

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

*Social Security biennial report, 2012*

At yearend 2012, 4,622 local governments extended Social Security benefits to employees; 3,245 of them were also under the Illinois Municipal Retirement

Fund. Chicago and Cook County are under other retirement systems and not in Social Security. (40 ILCS 5/21-120; undated, rec'd April 2013, 12 pp.)

### State Fire Marshal

*Annual report 2012*

Arson Investigation Division did 1,096 investigations with 33 arrests. The office made 44,456 boiler and pressure vessel inspections; wrote 1,718 violation notices; and did 21 audits of companies working on pressure equipment. Division of Petroleum and Chemical Safety made 5,235 underground storage tank inspections and issued 2,863 violation notices. Office gave 12,188 written exams to firefighters and processed 12,441 certifications. Since starting in 2003, Fire Equipment Exchange Program has donated over 14,000 pieces of equipment. (50 ILCS 740/13; Feb. 2013, rec'd March 2013, 20 pp.)

### Toll Highway Authority

*Inspector General's report, Oct. 2012 to March 2013*

Toll Highway Inspector General's office was created in 2010 to investigate allegations of fraud, waste, abuse, mismanagement, misconduct, nonfeasance, misfeasance, or malfeasance. From October 2012 to March 2013 it opened 16 investigations and closed 17. The IG's office received 34 complaints from the public and closed 25. (605 ILCS 10/18.5(m); undated, rec'd April 2013, 10 pp.)