

## Major Bills Passed by the Illinois General Assembly

This issue of *First Reading* summarizes selected bills as they passed both houses of the General Assembly, and reports on the Governor’s actions on them. A total of 298 bills passed both houses so far in 2008. This issue summarizes 169 bills of general interest, classified into 11 categories.

Major bills that passed both houses will restructure public transit funding in the greater Chicago area, with higher taxes on sales and on real estate transfers; prohibit political contributions by companies having, or bidding on, significant state contracts, or their owners; require hospitals to give discounts on request to patients with low or moderate incomes and no health insurance; provide more protection to borrowers and tenants in mortgage foreclosures; prohibit more actions as sex crimes and make it easier to prosecute such crimes; offer more scholarships for future teachers; promote recycling of electronic devices; and offer more educational benefits to persons in the military, veterans, and their dependents.

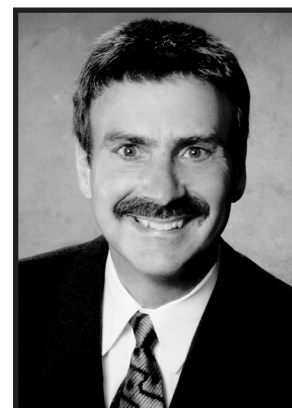
Page 14 of this issue gives Public Act numbers for bills summarized here that became law, and information on the outcomes of vetoes. Information on all bills of the session is available at:

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# Appropriations & State Budget

**The state budget for fiscal year 2009 is \$62.3 billion after final action—1.8% over last year's \$61.2 billion. Appropriations from the General Revenue Fund (GRF) rose 3.2% from \$27.4 billion to \$28.2 billion; appropriations from other state funds and federal funds rose 0.7%, from \$33.8 billion to \$34.1 billion.**

The main fiscal year 2009 budget was contained in four bills that passed the General Assembly in late May and went to the Governor on June 30. He approved the bills with some reductions, as described later. A supplemental appropriation, also described below, provided funds for projects started in FY 2008 that needed FY 2009 reauthorization. Table 1 shows appropriations from the General Revenue Fund, other funds, and total funds in each bill as passed by the General Assembly. It also shows reduced or vetoed amounts, and total appropriations enacted.

Table 1: Appropriation Totals by Fund Type (millions)

Fund type	H.B. 5701	S.B. 1102	S.B. 1115	S.B. 1129	Totals
GRF	\$27,250	\$2,240	\$ 145	\$ 9	\$29,643
Other funds	24,846*	6,459	2,775	43	34,124
<b>All funds</b>	<b>\$52,096*</b>	<b>\$8,699</b>	<b>\$2,920</b>	<b>\$52</b>	<b>\$63,767*</b>
Reduced or vetoed	1,254	173	38	0 <sup>†</sup>	1,464
<b>Enacted</b>	<b>\$50,842*</b>	<b>\$8,526</b>	<b>\$2,882</b>	<b>\$52</b>	<b>\$62,303*</b>

\* These numbers include \$10.565 billion for Capital Development Board capital projects.

The Board also received \$14.3 million for current operations in S.B. 1129.

† The Governor reduced S.B. 1129 appropriations by \$358,800.

The Governor returned the bills with several item or reduction vetoes totaling nearly \$1.5 billion. Although the House voted to restore some of the reduced and vetoed items, the Senate took no positive action, so the bills became law at the reduced levels.

The agencies getting the largest dollar increases were the State Board of Education (\$488 million, +5.3%); Department of Healthcare and Family Services (\$183 million, +1.1%); Teachers' Retirement System (\$162 million, +13.6%); Department of Transportation (\$131 million, +5.9%); and Department of Human Services (\$109 million, +1.9%).

The State Board of Education increase reflects increases in General State Aid and categorical funding. The Department of Healthcare and Family Services increase reflects additional funding of medical programs and state employee group health insurance, along with appropriations to spend funds raised by the Hospital Assessment Tax (which will be spent if the federal Centers for Medicare and Medicaid Services approves the tax). The Teachers' Retirement System increase reflects an increase in state contributions to that system. Total appropriations for all five retirement systems rose \$248 million (+15.7%).

The Department of Transportation increase reflects increased funding for operations; for public transportation statewide; and for various highway capital projects.

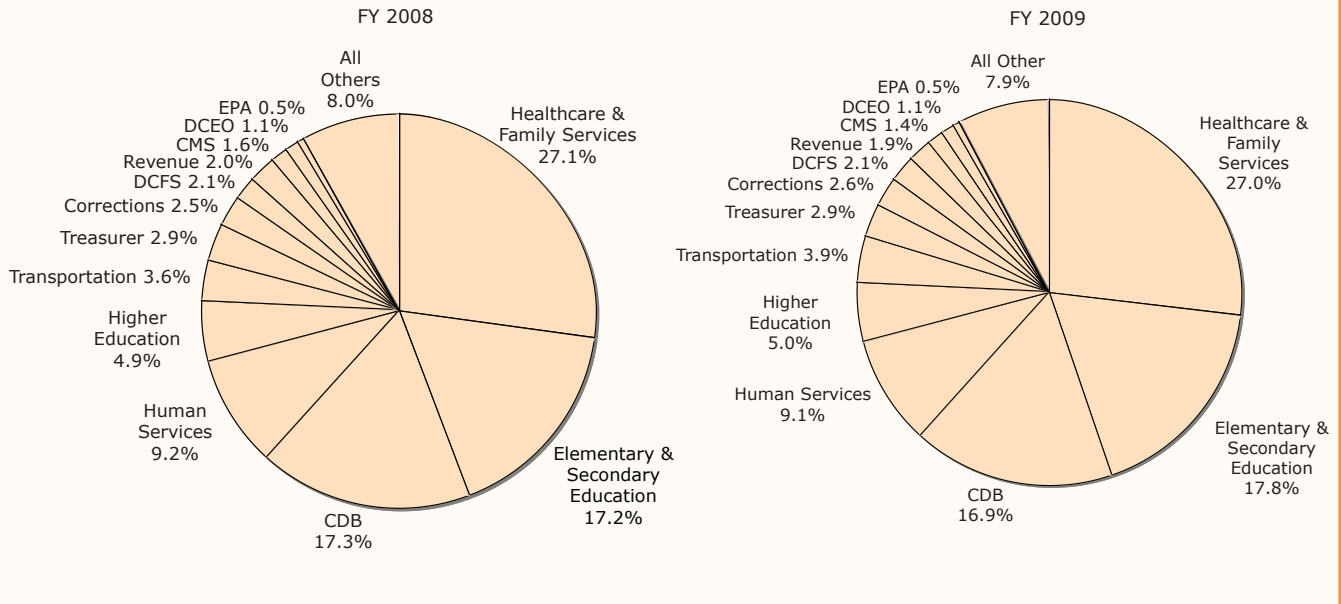
The Department of Human Services increase reflects additional funding to annualize wage and service rate increases (some pertaining to AFSCME and SEIU contracts); expanding the Home Services Program; maintaining payment cycles; and providing authority to spend additional revenues.

The largest dollar declines were in the budgets of the Illinois Emergency Management Agency (\$57 million, -12.1%); Treasurer's office (\$38 million, -2.1%); Department of Children and Family Services (\$33 million, -2.4%); Criminal Justice Information Authority (\$29 million, -25.9%); and Department of Central Management Services (\$25 million, -2.6%). The Emergency Management Agency decline was due to decreased federal funds. The Treasurer's decline resulted from lower general obligation bond payments. The DCFS decrease was mostly due to the Governor's reduction of appropriations for foster care, psychiatric screenings, and operations. The Criminal Justice Information Authority saw a decrease in federal funds for federal crime bill initiatives. The CMS decline was due to reduced appropriations for personal services and other operations.

Elementary and secondary education gets \$650 million (6.2%) more from all funds than last year. Local education's share of the total state budget grew from 17.2% to 17.8% (see Figure 1). Its share of General Revenue Fund spending also expanded, from 30.2% to 31.1%. The foundation level per student in 2008-09 will be \$5,959, up \$225.

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



**Appropriations From All Funds (billions)**

	<i>FY 2008</i>	<i>Share of '08 total</i>	<i>FY 2009</i>	<i>Share of '09 total</i>	<i>Change in amount</i>
Healthcare & Family Services	\$16.6	27.1%	\$16.8	27.0%	\$0.2
Education	10.5	17.2	11.1	17.8	0.6
CDB	10.6	17.3	10.5	16.9	-0.1
Human Services	5.6	9.2	5.7	9.1	0.1
Higher Education	3.0	4.9	3.1	5.0	0.1
Transportation	2.2	3.6	2.4	3.9	0.2
Treasurer	1.8	2.9	1.8	2.9	0.0
Corrections	1.5	2.5	1.6	2.6	0.1
DCFS	1.3	2.1	1.3	2.1	0.0
Revenue	1.2	2.0	1.2	1.9	0.0
CMS	1.0	1.6	0.9	1.4	-0.1
DCEO	0.7	1.1	0.7	1.1	0.0
EPA	0.3	0.5	0.3	0.5	0.0
All others	4.9	8.0	4.9	7.9	0.0
<b>Total appropriations*</b>	<b>\$61.2</b>	<b>100.0%</b>	<b>\$62.3</b>	<b>100.0%</b>	<b>\$1.1</b>

\* Totals may not add exactly due to rounding.

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# Business & Economic Development

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**The General Assembly voted to re-enact a tax credit for motion picture production in Illinois. Electric utilities may not shut off service needed for air conditioning immediately before days when temperatures over 95° are predicted, and additional protections are enacted for renters of automobiles and users of Internet games.**

**Alcopops.** The Liquor Control Act's definition of "alcopop" is expanded to include an alcohol malt beverage containing caffeine, guarana, taurine, or ginseng and at least 0.5% alcohol. Individual containers of beverages just described must say "contains alcohol" and their alcohol content. But they will not be subject to the prohibition on advertising alcopop beverages on billboards near places frequented by children (S.B. 2472, Steans-Hunter-Crotty-Viverito-Radogno et al. — Harris-Jakobsson-Burke).

**Camp Counselors' Pay.** Any day camp as newly defined in the Minimum Wage Law (formerly only a camp operated by an organized not-for-profit corporation) need not pay adult minimum wages to counselors if it provides them stipends and has written pre-employment consent from their parents (if minors) (H.B. 4583, Ryg—Link).

**Car Rental Companies** must give renters a phone number for roadside assistance and other service inquiries. Employees there must have the phone number of the place where the vehicle was rented. If no owner's manual is in the vehicle, they must have one for it or a "similar" model (H.B. 4221, Munson-Pihos—Millner-Althoff).

**Escrow Money Oversight.** A real estate licensee may not be disciplined because escrow moneys in the licensee's possession are deemed abandoned under the Uniform Disposition of Unclaimed Property Act due to their owners' inaction (H.B. 1361, Ford-Dunkin—Hendon-Hunter).

**Film Tax Credit.** The Film Production Services Tax Credit Act (which expired January 1 of this year) is re-enacted but will expire January 1, 2009 (H.B. 2482, Dunkin-Saviano-Holbrook-Fritchey-Reitz et al. — Hendon-Martinez-Harmon-Lightford-Hunter et al.).

**Home Health Aide Agencies.** The Home Health, Home Services, and Home Nursing Agency Licensing Act's definition of "home nursing agency" is expanded to encompass agencies delivering home health aide services (instead of only skilled nursing services). Home health aide service must be supervised by a registered professional nurse or advanced practice nurse (S.B. 887, Delgado—Turner).

**Internet Games Contract Cancellation.** A provider of computer games through the Internet, under a contract that is automatically renewed unless cancelled, must give Illinois customers a secure way to cancel through the Internet without calling anyone or mailing anything, and tell them how to do so (H.B. 4178, Poe et al. — Martinez-Kotowski et al.).

**Salvaged Vehicles.** The Secretary of State will no longer issue ID cards to out-of-state salvage vehicle buyers; they may buy vehicles in dealer-only auctions in Illinois if licensed in another state. An insurer paying a total-loss claim for vehicle theft need not get a salvage certificate unless the vehicle is recovered but is so damaged as to be a total loss. A dealer in used vehicles that sells a salvaged or junk vehicle at auction must send the



Secretary of State detailed information on it and the sale within 10 days (H.B. 5204, Phelps-Saviano-Mautino-Reitz—DeLeo-Radogno-Millner-Risinger-Forby).

**Scientific Development.** A 10-member Illinois Science and Technology Commission will coordinate efforts of state and local governments and universities to attract, keep, and promote scientific and research facilities in Illinois, if funds are appropriated (H.B. 4216, Fortner-Rose-Chapa LaVia-Holbrook-Munson et al. — Bond-Dillard et al.).

**Utility Summer Shutoffs.** A utility with over 100,000 residential customers may not cut off gas or electricity that is the only source of space cooling, or that controls or operates the only space cooling equipment at a residence, if the National Weather Service forecast for the next 24 hours in the area predicts a temperature of at least 95° F.—or immediately before a holiday or weekend having such a forecast (H.B. 5086, Flider-Holbrook-J.Bradley-Jakobsson et al. — Jacobs-Forby et al.). □

*Sarah Franklin  
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# Civil Law

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**The General Assembly voted to require eventual removal of personal information from county public records posted on the Internet, and bar persons against whom orders of protection have been issued from seeing the health records of children protected by those orders. Other bills offer additional protection to mortgage borrowers and tenants in foreclosures of residential or rental property; expand the Attorney General's powers to sue under the Illinois Antitrust Act; and let vehicle owners designate persons to inherit their vehicles upon their death.**

**Animal Emergency Care.** Anyone, including a veterinarian, who provides emergency care or treatment to an animal in good faith and without fee, is not civilly liable except for willful and wanton misconduct (H.B. 5076, Feigenholtz-Mathias-Chapa LaVia et al. — Cullerton-Althoff-Crotty et al.).

**Antitrust Powers.** The Attorney General's powers under the Illinois Antitrust Act are expanded to include suing as *parens patriae* on behalf of all Illinois residents for damages under the Act or similar federal laws. Answers to interrogatories in Illinois antitrust cases are added to the classes of litigation materials not to be disclosed to persons other than law enforcement officials (S.B. 2872, Cullerton—Fritchey-Lang), **amendatorily vetoed.** (The Governor recommended a slight change in the description of relief the Attorney General could obtain, and specifying that any damages be paid into the General Revenue Fund.)

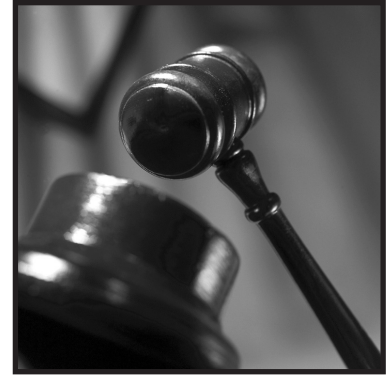
**Civil Air Patrol Leave.** An employer of 15 to 50 employees must allow up to 15, and an employer of over 50 must allow up to 30, days of unpaid leave for a civil air patrol mission without harm to employment status. Home rule is pre-empted (H.B. 5760, Winters-Bost-Dunkin-Dugan-Dunn et al. — Jacobs).

**Court Fees.** The limit on the fee a county can impose on each civil litigant to fund a children's waiting room is doubled to \$10 (H.B. 4956, Nekritz—Crotty-Althoff-Trotter).

**Defamation Judgments Abroad.** Illinois courts can exercise personal jurisdiction over any entity that is awarded a defamation judgment outside the U.S. against an Illinois resident, or against an entity whose principal place of business is in Illinois, for the purpose of rendering a judgment on the enforceability of the foreign judgment in Illinois, if the statements were published in Illinois and the resident or entity either has assets in Illinois that may be taken to satisfy the foreign judgment, or may have to take actions in Illinois to comply with it. A judgment for defamation issued abroad is unenforceable in Illinois unless the nation where it was obtained provides at least as much protection of free speech and press as do the U.S. and Illinois Constitutions (S.B. 2722, Silverstein-DeLeo—Lang).

**Free Clinic Liability Notice.** A free medical clinic that has no premises on which to post a civil liability exemption notice must give written notice of the Good Samaritan Act's civil liability exemption to each patient, or minor patient's parent, and get that person's signature for the exemption to be effective (H.B. 4869, Bellock-Pihos-Hamos-Fortner-Coladipietro—Dillard-Cronin).

**Mortgage Borrower Protections.** *Notice.* Before judicial sale of residential real estate, notice of the right to remain in possession for 30 days after entry of an order of possession must be mailed



to the borrower (H.B. 4195, Ford-Flowers-Harris-Jefferies-M.Davis et al. — Hunter-J.Collins).

**Other protections.** In each residential foreclosure action, the plaintiff must attach to the summons a "Homeowner Notice" set forth in this act, in English and Spanish, summarizing the homeowner's rights during foreclosure. A homeowner prevailing in a foreclosure action may be awarded reasonable attorney's fees. Maximum civil penalties that the Attorney General can obtain in suits under the Human Rights Act are increased (for real estate and credit violations) from \$10,000 to \$25,000 for first violations, and by \$25,000 for repeat violations. Financial institutions may not deny a loan or vary its terms due to race, gender, disability, or national origin (S.B. 1879, J.Collins-Martinez-Hunter et al. — Colvin-Graham-Yarbrough-Riley-Currie et al.), **amendatorily vetoed.** (The Governor recommended adding a section allowing a delinquent borrower a 30-day grace period to seek credit counseling and another 30-day period to try to negotiate a debt management plan with the lender.)

**Parental Responsibility Law.** The limit on damages recoverable (normally \$20,000) will be \$30,000 if the minor shows a pattern or practice of willful or malicious acts. A governmental unit (added to other plaintiffs under current law) may be awarded attorney fees, but such an award to it

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# Criminal Law

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***Bills that passed both houses will ban several computer-related activities involving children or child pornography, especially if done by past sex offenders; allow some violators of orders of protection to be required to wear GPS devices capable of informing police and victims if they enter prohibited areas; improve notification to victims before perpetrators are released; allow bail to be denied for some persons accused of making terrorist threats; require minors to be provided counsel before juvenile detention and shelter hearings; and establish procedures for redress for persons wrongly convicted of felonies.***

**Aggravated Battery.** A lower level of aggravated battery of a child is created, for cases in which the harm intentionally or knowingly caused to a child up to age 13, or to a severely or profoundly retarded person, is not *great* bodily harm or *permanent* disability or disfigurement. Violation will be a Class 3 felony. (It is a Class X felony if one of those descriptions applies) (S.B. 2159, Bomke-Kotowski et al. —Poe-Mathias et al.).

**Child Pornography and Sex Offenses.** *Generally.* Putting any image of a minor on an adult obscenity or child pornography Internet site without the minor’s consent will be a Class 4 felony (Class 3 felony if the image is sexually suggestive). Knowingly providing a ticket for travel by a person known to be under 17 and unemancipated, if “other than for a lawful purpose,” becomes a Class A misdemeanor (Class 4 if the offender believes the minor is at least 5 years younger than the offender). Using a computer, cellphone, or other device to meet one believed to be under 17, without parental permission and other than for a lawful purpose, becomes a Class A misdemeanor (Class 4 if the offender believes the minor is at least 5 years younger). Failure to use reasonable care to learn the age of a person who is under 18 before showing “harmful materials” (as defined) to the minor becomes a Class A misdemeanor (Class 4 if the offender made the materials).

Knowingly communicating with a minor through the Internet or any other digital means, other than for a lawful purpose, by a child sex offender becomes a Class 4 felony. A child sex offender who captures any image of a child without parental consent commits a Class 2 felony (Class 1 if done at a playground, school, or like place where children gather). Conditions of parole for child sex offenders will include not using devices with Internet capability without approval; allowing unannounced examinations of their computers or other devices if they are allowed to use them; and having their Internet use monitored.

Computer technicians are added to the list of persons required to report sexually explicit images of children they observe during work; and the types of such images that must be reported are expanded. Computer technicians required to report, and their employers, will be immune from liability for doing so except for willful or wanton misconduct (S.B. 2349, Wilhelmi-Bond-J.Collins et al. —Berrios-Mathias).

**Internet seduction.** Knowingly using the Internet to seduce or lure a child or child’s guardian to commit a sex offense or engage in unlawful sexual contact with a child becomes a Class 4 felony, to be called “grooming.” Traveling in Illinois for purposes of unlawful sexual contact with a minor, after engaging in grooming, is a Class



3 felony called “traveling to meet a minor” (S.B. 2382, Millner-J.Collins-Kotowski-Holmes-Bivins et al. — Mathias-Froehlich et al.).

**Reporting pornography.** Workers who install or service computers and related equipment must report to police, or the National Center for Missing and Exploited Children, any child pornography they find. This requirement will not apply to telecommunications or wireless communications companies (H.B. 4578, Durkin-Bellock et al. — Millner-Martinez-Kotowski-Wilhelmi-Holmes et al.).

**Computer Encryption and Rogue Software.** Using or attempting to use encryption (defined to include viruses and other malware as well as encryption) to commit, aid in committing, or conceal a crime becomes a separate Class A misdemeanor—unless done to commit or attempt an offense with a higher penalty, in which case that penalty applies (H.B. 3477, Crespo-Froehlich-Boland-Lang-J.Bradley et al. — Millner-Kotowski-Holmes et al.).

**Cyberstalking.** The actions that (if combined with harassing another person by electronic communication) can constitute this crime are expanded to include (1) soliciting commission of a crime against that person or that person’s family, or (2) offering an Internet site accessible to others that makes statements threatening or putting the person or the person’s family in reasonable fear of bodily harm or other violent crime. Telecommunications carriers will not be liable for their

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customers' violations without willful and wanton misconduct (S.B. 2426, Silverstein-Holmes—Verschoore-Flider-Molaro-Smith).

**Domestic Violence.** *Extension of order.* For good cause shown, a court can extend an order of protection in a domestic violence case for an indefinite time (formerly up to 2 years) (H.B. 5148, W.Davis-Moffitt-Graham-Hernandez-Bellock et al.—J.Collins-Holmes-Raoul-Hunter et al.).

*GPS monitoring.* Anyone charged with violating an order of protection must be assessed for risk. Based on that assessment and the facts of the violation, the person may be required as a condition of bail to wear a global positioning device that can contact police and the victim if the person enters a prohibited area. If convicted, the person must wear a GPS device as a condition of parole, mandatory supervised release, or early release. A \$200 fee is added for any conviction for violating an order of protection to offset costs of the new program. A court may order the respondent in any domestic violence case to complete a partner abuse intervention program and get recommended treatments (S.B. 2719, Garrett-DeLeo-Murphy-Althoff-J.Collins et al.—Bassi-McAuliffe-Reboletti-Cross-Mulligan et al.).

**Driving Offenses.** *DUI.* A provision making DUI, when one's driving privileges are revoked or suspended due to DUI, a Class 4 felony is expanded to apply if suspension was for DUI under another jurisdiction's law or ordinance (S.B. 2494, Kotowski-Holmes et al.—Froehlich-Mathias-Crespo-Boland).

*Emergency-vehicle separation.* If police are absent, fire department officers may close a highway or any lanes to protect the public, using temporary traffic control devices and a fire vehicle with flashing lights. Reckless homicide due to failure to leave an

empty lane (if possible) between one's vehicle and an emergency vehicle stopped with flashing lights is raised from a Class 3 to a Class 2 felony (S.B. 2488, Forby et al.—J.Bradley-Joyce-Dugan-Boland-Moffitt et al.). Also, if when passing an emergency vehicle stopped with warning lights flashing, a driver does not put a lane of separation between it and the driver's vehicle if practical and safe, or slow to a safe speed otherwise, and unintentionally kills someone, a judge or jury can infer that the driver acted recklessly. Reckless homicide in such a situation will be a Class 2 felony and punishable by 3-14 years in prison (H.B. 4203, Holbrook-Flider-Beiser-J. Bradley-Crespo et al.—Haine et al.).

*Judicial driving permit* holders may petition to be allowed to drive children living with them to and from day care. The maximum monthly fee for judicial driving permit holders who must use ignition interlock devices is raised \$10 to \$30 (S.B. 2396, Cullerton—Froehlich).

*License sanctions.* A provision authorizing suspension or revocation of the license of a driver for failure to yield the right-of-way or reduce speed for a stopped emergency vehicle will apply only if the violation caused damage to another's property, or death or injury to another (S.B. 2713, J.Sullivan-DeLeo—Mathias).

*Monitoring Device Driving Permit (MDDP) changes.* A first-time DUI offender who at first declines to take an MDDP may petition the court for one at any later time during a summary license suspension. Aggravated DUI involving death is added to the prior crimes preventing a DUI offender from getting an MDDP. Several crimes including fleeing police, reckless driving, and street racing are added to those whose commission by an MDDP holder will cause its cancellation (S.B. 2295, Cullerton—Molaro).

*Railroad crossings.* Obstructing a railroad crossing (already mandatorily requiring a fine or community service) will also bring a 1-month license suspension for a first offense, or 3 months for a repeat offense in 5 years. The Secretary of State may issue a restricted driving permit during such a suspension (H.B. 4754, Mathias-Fortner-E.Sullivan—Garrett).

**Drug Forfeitures.** Real property used or intended for use in providing cannabis (if doing so is a felony violation involving over 2 kilograms), or that is derived from a felony violation of the Cannabis Control Act, is subject to forfeiture (S.B. 2198, Delgado-Kotowski et al.—Reboletti).

**Evidence Preservation.** In drug crime prosecutions, police and crime labs must keep specified quantities of the drugs for evidentiary use until 30 days after judgment and while any appeal is pending (S.B. 2340, Wilhelmi—McGuire-Brosnahan-Boland), **amendatorily vetoed.** (The Governor recommended requiring an evidentiary hearing by the judge who hears the criminal case before any such drug evidence can be destroyed.)

**Exploiting the Disabled.** Under a law prohibiting financial exploitation of the disabled, a person no longer need be *permanently* disabled for exploitation to be illegal (H.B. 4506, Patterson-Golar-Crespo-Holbrook et al.—Hendon-Halvorson-J.Collins-Trotter et al.).

**Firearms.** *Buying.* Unlawfully buying or trying to buy firearms is raised from a Class 4 to a Class 2 felony for one firearm; from Class 3 to Class 1 for two to five firearms in 1 year; and from Class 2 to Class X for at least six firearms in 2 years (H.B. 5524, Reboletti-Ramey-E.Sullivan-Durkin-Fritchey et al.—Millner-Murphy-Raoul et al.).

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## Criminal Law

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**Minors' acquisition.** If anyone sells to or gives a minor a concealable firearm, or sells or gives any firearm to a minor who lacks a valid Firearm Owner's Identification Card, and the firearm is later used to commit or attempt a forcible felony, the seller or giver can be fined and/or imprisoned up to the maximum penalty for the crime that was committed or attempted with the firearm (H.B. 4628, Acevedo-Berrios-Hernandez-Arroyo-Soto et al. — Raoul-J. Collins-Hunter-Clayborne et al.).

**Firefighter Obstruction.** Resisting or obstructing a firefighter (added to peace officers and correctional employees) performing official duties becomes a Class A misdemeanor punishable by at least 48 hours in jail or 100 hours of community service. If injury to the firefighter results, the crime is a Class 4 felony. It is an affirmative defense that the defendant resisted or obstructed a firefighter by staying in or returning to a building to try to rescue another (H.B. 5909, Rose-Black-Moffitt-Fritchey — Righter et al.).

**Harassment by Electronic Communications.** This crime, normally a misdemeanor, will be a Class 4 felony if the offender is at least 18 and the victim is under 18. Telecommunications and Internet service providers are exempted from prosecution for customers' violations in the absence of willful and wanton misconduct (S.B. 2855, Holmes et al. — Mathias-Flider-Boland-McGuire).

**Juvenile Justice. Escapes.** Provisions making escape, or aiding escape, from a penal institution a Class 2 felony if the escapee had committed a felony, or a Class A misdemeanor if the escapee had committed a misdemeanor, are extended to juveniles adjudicated delinquent, and to persons aiding

their escapes (H.B. 5230, Hernandez-Acevedo-Soto — Wilhelmi). Similar provisions — also applying to persons who have been only *charged* as juveniles with acts that would be felonies or misdemeanors, and are either confined or in the custody of an officer when they escape — are in S.B. 2135 (Millner-Holmes et al. — Ramey-Chapa LaVia).

**Interstate compact.** A new Interstate Compact for Juveniles is authorized. It will apply to interstate supervision of juvenile offenders and the return of interstate juvenile escapees and runaways. The Governor will appoint a compact administrator as the state's commissioner. The Illinois Supreme Court and Department of Human Services will each appoint one deputy state compact administrator (S.B. 2821, Raoul-Hunter — Currie).

**Pretrial counsel.** Juvenile courts must provide minors with counsel, and allow them adequate opportunity to consult with counsel, before juvenile detention and shelter hearings (S.B. 2118, Raoul-Noland — Turner).

**Murder of Witness.** A judge may decide at a pretrial hearing to allow out-of-court statements by a potential witness, if the prosecution shows by a preponderance of the evidence that the defendant murdered the witness, and did so at least in part to block testimony by the witness; that the timing and circumstances of the statements provide sufficient safeguards of reliability; and that admitting the statements serves the interests of justice (S.B. 2718, Wilhelmi-DeLeo — Gordon-Reboletti-Durkin).

**Prison Crimes. Bodily fluid contact.** Causing contact with a bodily fluid (a form of aggravated battery) is raised from a Class 3 to a Class 2 felony if committed by a prisoner, sexually dangerous person, or sexually violent person in custody (S.B. 2365, B.Brady — D.Brady-Chapa LaVia-Sacia).

**Contraband.** The crime of taking contraband into a prison by an employee is expanded to apply to several kinds of prohibited weapons or other items (formerly only liquor, controlled substances, methamphetamine, and hypodermic syringes) — except that bringing a cell phone or battery for one is banned only if the employee intended to give it to, or use it to benefit, a prisoner. Some items are exempted if kept in an employee's locked vehicle on prison grounds (S.B. 1975, Wilhelmi-Holmes — McGuire-Boland-Ford), **amendatorily vetoed.** (The Governor recommended deleting weapons, ammunition, and cutting tools from the list of items that are exempt if locked in private vehicles.)

**Sex Crimes. HIV testing.** Tests of persons accused of some sex crimes for sexually transmissible disease agents (including HIV) must occur within 48 hours after either a finding of probable cause or a finding of mental unfitness for trial. Test results must go to the defendant and state's attorney (added to the victim). Judges must refer victims to the HIV/AIDS hotline for counseling (S.B. 2355, Wilhelmi — Reboletti).

**Testimony.** Courts may order that testimony of alleged sex crime victims who are developmentally disabled be taken out of court and seen in court on closed-circuit television. Sign language interpreters are to be provided to victims and witnesses needing them (H.B. 5603, Bellock-Pihos-Stephens-Jakobsson-Boland et al. — Dillard-Kotowski).

**Time limit on prosecutions.** Prosecution for a sex offense can begin at any time if the victim reported it within 3 (increased from 2) years and the offender's DNA is entered into a DNA database within 10 years after the crime, whether or not the offender's name is known. (The offender's name



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formerly had to be unknown for there to be no limitations period.) (S.B. 1887, Haine-Bivins et al.—Gordon-Froehlich-Boland-Dugan-Reboletti et al.).

**Trials.** Trials for child pornography and aggravated child pornography, and murder accompanying a forcible sex crime, are added to the list of trials in which evidence of similar previous crimes may be admitted to show any relevant fact. A number of sex-related crimes are added to the list of those for which, if the alleged victim was under 13 or mentally retarded, evidence of the victim's out-of-court statements about the crime can be heard in court under existing procedures for such evidence (S.B. 2509, Kotowski et al.—Mendoza-Durkin-Golar-Sacia-Black et al.).

**Victim notification.** If a person convicted of a sex crime for which registration is required will soon be released, the Prisoner Review Board, other custodian, or sheriff as appropriate is to notify the victim at least 30 days before release if possible. A victim of a registered sex offender—or one survivor of a person killed by the offender—can notify the sheriff or Chicago Police of a desire for information provided by the sex offender when registering, and is to receive such information (H.B. 5101, Froehlich-Boland-M.Davis-Riley-Jefferies—Murphy-J.Collins-Holmes).

**Sex Offenders. Database.** The Department of State Police must create a database of sex offenders who are required to register but do not. It is to be available through the Internet to all entities entitled to information on registered sex offenders; the Department can require others seeking to use the database to provide information on themselves (H.B. 1998, Smith-Beiser-J.Bradley-Verschoore-Reitz et al.—Dillard).

**Day-care homes** are added to the list of places within 500 feet of which child sex offenders may not live, and where they may not work or volunteer. A child sex offender who knowingly offers programs or services to children under 18, in a residence or facility provided for such programs or services, will commit a Class 4 felony (H.B. 4402, Meyer-Krause-Stephens-Holbrook-Crespo et al.—Dillard).

**Landlords.** A child sex offender who owns and lives in a residential building, and rents out any of it, may not in the future knowingly rent part of it to parents of a child under 18 (H.B. 4207, Osmond-Smith-Crespo et al.—Martinez-Millner-Bond-J.Collins).

**Proximity to children.** In provisions barring sex offenders from living or loitering within 500 feet of a school, park, or other child facility, the distance is to be measured from the edge of the protected property that is closest to the edge of the sex offender's residence or loitering place (H.B. 3399, Smith et al.—Munoz-Holmes et al.).

**Terror Threats.** Making or attempting to make a terrorist threat is added to the list of crimes that are non-bailable if the court, after a hearing, determines that the defendant poses a present threat to the safety of anyone if released (S.B. 1881, Haine-Bivins et al.—Froehlich-Mathias-Chapa LaVia-Beiser-Holbrook et al.).

**Theft-Related Offenses. Failure to return property.** Not returning leased personal property to its owner within specified times after the lease ends is reduced from *prima facie* evidence of intent to commit theft to a basis for a permissible inference of intent (S.B. 2366, Righter—Rose).

**Lock bumping.** Possessing a key made for lock bumping (a technique to open a pin-tumbler lock by inserting a special key and vigorously hitting

the lock while turning the key) can be considered evidence of criminal intent to commit a felony or theft, unless the possessor is in law enforcement or licensed under the act on locksmithing and other security occupations (H.B. 2859, McAuliffe—DeLeo et al.).

**Unjust Imprisonment.** If a person was imprisoned for a felony but the conviction was reversed or vacated, and (a) the charges are dismissed; (b) a second trial results in acquittal; or (c) the law supporting the conviction was unconstitutional, the person can petition the trial court for a certificate of innocence. The Attorney General and state's attorney can intervene. The petitioner must show by a preponderance of evidence the above facts, along with factual innocence (or invalidity of the law) and that the petitioner did not voluntarily cause the conviction. Any certificate issued will have no legal effect except for filing a claim in the Court of Claims. If a certificate is issued, or a person who has been imprisoned is pardoned based on innocence, a claim for unjust imprisonment will be automatically filed in the Court of Claims. Limits on awards for that purpose are raised by about 10% from current levels (as adjusted for past inflation), to \$85,350 (if confined up to 5 years); \$170,000 (more than 5 up to 14 years); and \$199,150 (over 14 years)—each to be indexed for future inflation. Local Department of Employment Security offices must provide job search and placement services to persons unjustly imprisoned who receive certificates of innocence or are pardoned for innocence (H.B. 230, Flowers-Froehlich-Ford-Durkin-Gordon et al.—Delgado-Raoul-J.Collins-Hunter).

**Victim Notification of Release.** The Department of Human Services must have a statewide phone number for victims of persons found not guilty due to insanity to use in seeking notification if their assailants are released.

(continued on p. 11)

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# Education

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## Elementary & Secondary

**The General Assembly voted to require schools to teach about homeownership, Internet safety, and sexual assault. Suspected abuse or neglect by a current or former school employee must be reported at the request of another district considering hiring that person. Provisions on paying to educate students in residential placements are revised.**

**Child Abuse or Neglect.** If a school employee has reported suspected abuse or neglect by another employee, who later applies to another district, the district that has employed the job-seeker, if asked by the other district, must disclose the reports unless they were determined “unfounded” (H.B. 4252, D.Brady-Jakobsson-Eddy-Rose-Black et al. — Syverson-Burzynski).

**Hard-to-Staff Schools; Residential Program Placements.** Pay incentives for teachers and principals will apply at the hard-to-staff school level (formerly for hard-to-staff districts)—newly defined as the 5% in the state with the highest 5-year teacher attrition. The incentives will apply only to full-time staff working a full school year.

The district of residence of a student with disabilities, placed in a residential program outside the district, must pay costs of instruction; but it can apply for state reimbursement of the excess over its average cost per regular student. The court or agency placing the student must pay for the residential portion of the placement. The district of residence will retain control of the student’s individualized education program (IEP) process.

A residential facility not approved by the State Board can take students under the above provisions if it shows that its teachers are certified; it uses an age-appropriate curriculum; its enrollment and attendance numbers are accurate; and it can implement the student’s IEP (H.B. 1141, Jefferson-Osmond et al. — Lightford-Holmes).

**Health Exams.** Students who got exams shortly before starting 5th grade in 2007-2008 need not be examined now preceding 6th grade (H.B. 5717, Coulson-Eddy-Black—Lightford).

**Laptop Project Costs.** The \$10 million limit is eliminated on State Board costs for a technology immersion pilot project to equip each student in each selected school with a laptop computer (H.B. 5077, Smith-Pihos et al. — Demuzio-Cronin-Forby).

**Mandated Instruction.** *Homeownership*, including types of mortgages, must be addressed in high school consumer education courses (S.B. 2387, J.Collins-Hunter et al. — Yarbrough-Froehlich-Smith-Soto-Graham et al.).

*Internet safety* must be taught each school year starting in 2009-10 to students in grade 3 or above (in place of a recommendation to provide 2 hours of such instruction per year). The State Board must offer on-line resources for such instruction (S.B. 2512, Link-Garrett-Schoenberg-Maloney-Kotowski et al. — Cross-Mathias-Eddy-Mulligan-Ryg et al.).

*Sexual assault awareness* must be included in health education in high schools and for all incoming students at public universities and community colleges (H.B. 3677, Jakobsson-Smith-Chapa LaVia-Holbrook—Martinez et al.).

**Preschool Education.** The goal of “Preschool For All Children” will apply to state preschool funding through



June 2010 (instead of June 2008). The deadline for the first State Board report on preschool programs is extended to November 2010 (H.B. 4705, Currie-Soto-Eddy-Colvin-Coulson et al. — Lightford-Demuzio-Millner-Martinez-Harmon et al.).

**Residential Facility Tuition.** A subsection formerly applying only to students in residential drug- or alcohol-treatment programs is expanded to any student getting services in a residential program, whether placed by a court or by another public agency—except those eligible for services for disabilities. This subsection places responsibility for tuition for such a student on the district where the person with custody of the student resides.

For a student eligible for services for disabilities, the district of parental residence must usually provide tuition if a parent has any legal rights or guardianship. But if no such parent or guardian is found; the student is at least 18 or emancipated; or a public agency has guardianship and it (or, added by this act, an Illinois court) placed the student outside the district of parental residence, the district of student residence must provide tuition. If a state agency or court places the student residentially, the district of student residence is to be reimbursed by the state. If a student’s residence is disputed, anyone may ask the State School Superintendent to examine the evidence and make a final decision (S.B. 2042, Bond—Osmond-Reis).

**School Code Revisions.** The Code is amended to abolish grants and programs that have not been funded, are no longer needed, or were never implemented, and make the Code consistent with federal and state laws. Among new provisions, the Illinois Math and Science Academy may open additional campuses, which need not be residential (S.B. 2482, Lightford—Eddy-Dugan et al.).

**State Aid to schools** will be distributed over 11 months (omitting July) instead of 12. Annual totals will not be affected (H.B. 4522, Pritchard-Eddy-Black-Pihos-J.Mitchell et al.—Lightford).

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## Higher Education

***Bills that passed both houses call for help to dependents of military personnel transferred out of Illinois, and State Scholars; more teacher scholarships; and campus security plans at all colleges and universities.***

**College Security.** Each college or university in Illinois must develop, and practice at least annually, (1) an emergency response plan and (2) a campus violence prevention plan, including a campus violence prevention committee and campus threat assessment team. Local emergency management officials must provide help and guidance (S.B. 2691, J.Sullivan-DeLeo-Maloney-Frerichs et al.—Pritchard-McCarthy-D.Brady-Myers-Rose).

**Community College Ethics.** Community college districts are transferred to the category of local governments for purposes of the State Officials and Employees Ethics Act. They must begin regulating political activity of, and gifts to, their personnel within 6

months (H.B. 4189, Pritchard-Black-Turner-Boland-Dunkin et al.—Maloney-Risinger-Lightford-Radogno et al.).

**Military Family In-State Tuition.** Active military personnel who were stationed in Illinois the last 3 years before transfer to another state, and their dependents, can get in-state tuition at Illinois public universities if the personnel (or the dependents) either stay enrolled at an Illinois public university, or apply there within 18 months after the transfer (H.B. 5905, Schock-Coulson-Wait-Bost-Stephens et al.—Hultgren et al.).

**State Scholars. Grants.** If money is appropriated, each State Scholar (chosen by the Illinois Student Assistance Commission under existing law) who enrolls at a college or university in Illinois will get one \$1,000 grant—except that no one may get both a grant and a Merit Recognition Scholarship (S.B. 437, Maloney—McCarthy-D.Brady-Brosnahan-Joyce-Lang et al.).

**Study.** The Student Assistance Commission must count the number of its State Scholars for 2008 and 2009; how many apply to state universities; and how many are rejected. It must report by January 1, 2010 and recommend ways to make state universities more accessible to State Scholars (H.B. 4567, D.Brady-Coulson—Holmes-Maloney).

**Teacher Scholarships.** At least 200 future-teacher scholarships per year must go to participants in the Golden Apple Scholars of Illinois program (of the Golden Apple Foundation for Excellence in Teaching) (H.B. 1334, Flowers-Ford-Boland-Chapa LaVia-Black et al.—Martinez-DeLeo-Cronin-J.Collins et al.).

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## Criminal Law

*(continued from p. 9)*

Such victims must be told of this notification service, and must be notified of furloughs and temporary releases (as well as final release as under current law) (S.B. 2785, Harmon-Radogno-J.Collins—Mathias-Froehlich).

**Weapons Banned. Billy clubs.** Carrying a billy club or similar weapon in a building occupied by a unit of government is added to a list of actions constituting unlawful use of weapons as a Class A misdemeanor (H.B. 4206, Pritchard—Burzynski).

**Knuckle weapons,** regardless of composition, may not be legally sold or possessed (H.B. 2757, Crespo-Molaro—Martinez). □

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## Reminder

All our publications, including Grant Alerts, are posted on our website at: [www.ilga.gov/commission/lru/lru\\_home.html](http://www.ilga.gov/commission/lru/lru_home.html). A list of some of the publications is on page 17.

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# Environment & Conservation

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*The General Assembly voted to require recycling or reuse of large percentages (by weight) of computers and other major electronic devices; authorize a new kind of agreement for remediating contaminated lands; require school districts to increase their efforts to recycle or reduce solid waste; allow cities, counties, schools, and community colleges to own and operate wind farms; and require more recordkeeping by buyers of used metals.*

**Environmental Covenants.** A new kind of agreement called an “environmental covenant” is authorized for remediation of contaminated lands (brownfields). An owner of such land may be required to enter into such a covenant as a condition of getting an environmental response project approved by a state or federal agency. Any such covenant will be an interest in real property, will be recorded, and will apply to all signers and their successors unless it is extinguished with the environmental agency’s consent. However, it can be condemned unless the planned use would harm human health or the environment. It can be enforced by any party to it, the environmental agency, or the municipality containing the land, among others (S.B. 2110, Wilhelmi et al.—Gordon et al.).

**Hunting.** Nonresidents of Illinois (like residents under current law) 10 or older can apply for “apprentice” hunter licenses; and nonresident (added to resident) parents and grandparents can supervise apprentice hunters ages 10 to 17. Any licensed nonresident (added to resident) hunter may supervise apprentice hunters 18 or older (H.B. 2825, Beaubien-Reitz-Saviano-Verschoore-Phelps et al.—Burzynski).

**Lighting of Buildings.** LED (light-emitting diode) lights that meet Energy Star standards can be used along with or in place of fluorescent lights in state buildings (H.B. 5930, Cole-Coulson-Munson-Franks-Fortner et al.—Althoff-Martinez).

**Recycling. Electronics.** An Electronic Products Recycling and Reuse Act will require makers of personal computers, monitors, printers, and television sets to provide for recycling or reuse of specified percentages (by weight) of those or other electronic products, based on their Illinois market shares, starting in 2010. The state EPA will monitor compliance and report violators to the Attorney General. The EPA must provide education on the Act and report compliance to the Governor and General Assembly. Retailers must tell buyers of recycling options at times of sale. After 2011 it will be illegal to send the products described above to landfills or incinerators, except that the Pollution Control Board can grant temporary initial waivers (S.B. 2313, Garrett-J.Collins-Althoff-Millner-Clayborne et al.—Nekritz-Holbrook-Fortner-Jakobsson-May et al.).

**Metals.** The Copper Purchase Registration Law becomes the Recyclable Metal Purchase Registration Law, and will contain some provisions taken from the Vehicle Code. Processors of scrap vehicles or recycled metals (formerly only copper) must copy the driver’s license of any seller of \$100 or more worth of metal for possible police inspection. The Attorney General or a state’s attorney may seek injunctions against unlawful scrap processors. Violation of the renamed Act (now a Class B misdemeanor) becomes a Class A misdemeanor, or a Class 4 felony for a repeat offense (H.B. 4668, M.Davis-Ford-Sacia-Tryon-Bellock et al.—Haine et al.).



**Solid Waste Reduction.** School districts must review their procurement and solid waste reduction procedures, and seek products with the most recycled content. Minimum recycled content for their paper buying will rise from 10% (by value) in 2008 to 75% in 2020. Solid waste reduction procedures must be designed to recycle whenever feasible, and to halve solid waste production by 2020 (H.B. 4159, Bassi-Coulson-Ford—Murphy-Martinez).

**Wind Farms.** A county, municipality, school district, or community college district may own and operate a wind generation farm, either alone or jointly with other such government units. It may ask any state agency for aid in financing the project (H.B. 4646, Pritchard-Moffitt-Mautino-Wait-Smith et al.—Noland-Althoff). □

*Stephanie Moulton  
Research Associate*



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# Health & Safety

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**The General Assembly voted to provide for persons with low or moderate incomes and no health insurance to get discounts on hospital care; further restrict sales of tobacco products to minors; extend the requirement for AEDs at fitness or sports facilities to some outdoor locations; expand protection of the privacy of genetic information; and mandate health insurance coverage for eating disorders, marriage therapy, physical therapy for multiple sclerosis, and shingles vaccine, along with coverage of dependent college students on medical leave.**

**AEDs at Sports Facilities.** Outdoor sports facilities (added to indoor facilities under current law) operated by local government units (except park districts) or by public or private educational institutions, and indoor or outdoor facilities providing services primarily for cardiovascular exertion or (added) “gaming,” must have automated external defibrillators (AEDs) available. A trained AED user must be on staff and present at all physical fitness activities. These requirements will first apply to privately owned outdoor facilities on July 1, 2009; they will be phased in for publicly owned ones between then and July 1, 2012. Changes as to indoor facilities will occur when the act takes effect on January 1, 2009 (H.B. 1279, Burke-Osmond et al. — Sandoval).

**Fire Protection Devices (Fake).** Devices resembling smoke detectors, sprinkler heads, carbon monoxide alarms, heat detectors, or other life-safety or fire protection devices, but not designed or able to perform those functions, may not be made, sold, or installed. Authorized inspectors may inspect such devices for functionality, except in living quarters (H.B. 4683, Nekritz-Smith-Holbrook-Verschoore et al. — Noland et al.).

**Fire Suppression Grants.** Trustees of any fire protection district may make grants to owners of single-family homes for approved systems to suppress fire (H.B. 4687, Boland-Smith—Frerichs).

**Genetic Information Privacy.** The Genetic Information Privacy Act (enacted in 1997) is expanded to apply to labor unions, employment agencies, and government licensing agencies. They, along with employers, are prohibited from soliciting, acquiring, or disclosing genetic information on current or prospective employees, or basing employment or other decisions on such information. Exceptions allow monitoring by employers for possible mutations due to workplace exposure, and use of genetic testing in an employee wellness program with informed employee consent. Penalties are increased to \$2,500 for negligent or \$15,000 for intentional or reckless violations. A person alleging violation can seek a preliminary injunction against release of test information until final resolution (S.B. 2399, Link-Radogno-Martinez-Koehler-Righter et al. — Ryg-Coulson-Currie-Moffitt-Mendoza et al.).

**Health Care Planning Exemption.** The Illinois Health Facilities Planning Act will not apply to construction or renovation at a licensed residential facility for long-term care that (on May 1, 1987) offered multiple levels of care, served both minors and adults, and had at least three residential buildings, if it now covers 30 or more contiguous acres (H.B. 5983, Brosnahan-Joyce-McCarthy-Durkin-Lyons et al. — Cullerton-DeLeo-Maloney-Dillard-Viverito et al.).



**Health Policy Center.** An Illinois Health Policy Center is created in the University of Illinois, to be sponsored by the UIC College of Medicine and the Institute of Government and Public Affairs. It is to help policymakers make health policy, and help find best practices by reviewing scientific research and analyses of other states’ policies. A nine-member advisory panel will provide advice and oversight (H.B. 3286, Coulson-Currie-Bellock-Feigenholtz-Cole et al. — Schoenberg-Martinez-Righter-Garrett-Hunter), **amendatorily vetoed.** (The Governor recommended adding three *ex officio* members and a gubernatorial appointee to the advisory panel, and requiring annual reports by the Center.)

**Hospital Discounts.** Starting 90 days after enactment, patients with low or moderate incomes and no health insurance must be allowed to get discounts at hospitals for medically necessary care costing over \$300 per visit. The discounts will be based on each hospital’s federally reported ratio of charges to costs in the Medicare program, with an adjustment providing a monetary cushion for hospitals. These provisions will apply at Critical Access Hospitals and non-urban hospitals to patients with annual incomes up to 3 times, and at other hospitals to patients with annual incomes up to 6 times, the federal poverty guidelines. (Hospitals may deny discounts to patients whose

*(continued on p. 16)*

## 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 September 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
- AVA Amendatory vetoed accepted
- IV Item and/or reduction vetoed
- IVS Item and/or reduction veto stands
- V Totally vetoed
- VO Total veto overridden
- STG Sent to Governor; no action by press time

Information on all 2008 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 webpage.

H.B.	Public Act 95-	H.B.	Public Act 95-	H.B.	Public Act 95-	S.B.	Public Act 95-	S.B.	Public Act 95-
230	V	4216	943	5108	838	437	715	2349	
656	708, AVA	4221	770	5120	870	773	744	2355	926
824	AV	4252	908	5121	912	782	755	2365	748
953	AV	4255	AV/bill dead	5148	886	836	723	2366	857
1141	938	4353	871	5204	783	887	951	2380	AV
1279	712, AVA	4369	833	5238	887	993	898	2382	901
1334	939	4402	821	5285	AVA	1102	731, IVS	2387	863
1351	808	4450	AV	5368	736	1115	732, IVS	2396	848
1361	851	4456	781	5524	882	1129	733, IVS	2399	927
1432	AV	4506	798	5586	875	1130	746	2426	849
1685	714	4522	835	5596	774	1850	796	2472	860
1915	784	4567	760	5603	897	1864	AV	2482	793
1998	817	4578	944	5607	795	1865	914	2494	778
2482	720	4583	945	5655	762	1879	AV	2509	892
2671	818	4588	872	5699	816	1881	952	2512	869
2757	809	4602	AV	5701	734, IVS	1887	899	2546	905
2825	739	4628	735	5717	737	1930	747	2594	864
2859	883	4646	805	5760	763	1965	842	2632	AV
3286	AV	4648	794	5904	829	1975	AV	2636	STG
3399	819	4668	V	5905	888	2034	919	2691	881
3477	942	4683	943	5907	754	2042	844	2713	894
3508	823	4687	800	5909	801	2052	719	2718	STG
3677	764	4700	836	5930	743	2098	920	2719	773
4159	741	4705	724	5983	727	2110	845	2721	933
4174	862	4726	947			2118	846	2722	865
4178	765	4736	873			2135	921	2744	935
4189	880, VO	4754	753			2190	AV	2749	867
4190	780	4869	874			2198	STG	2785	904
4195	826	4956	V			2295	855	2821	937
4199	804	5076	868			2297	856	2855	STG
4203	884	5077	949			2302	797	2872	AV
4206	885	5086	772			2313	959		
4207	820	5101	896			2340	AV		

### Types of Actions Governor Can Take on Bills

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

#### Total Veto

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

#### Amendatory Veto

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

#### Item and Reduction Vetoes

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

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

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

### Administrative Office of the Illinois Courts

*Court-annexed mandatory arbitration annual report, FY 2007*

This program began in 1986 and operates in 15 counties. Cases with claims between \$10,000 and \$50,000 are automatically assigned to arbitration. If arbitration fails, the cases may go to trial. In FY 2007, there were 30,645 cases referred to arbitration (or already pending); 24,971 were settled or dismissed. Of the 30,645 cases referred to arbitration, only 570 (1.86%) proceeded to trial. In FY 2007, the compensation per hearing for each arbitrator was increased from \$75 to \$100, and the Supreme Court approved a petition from Madison County to begin

a court-annexed mandatory arbitration program there. (735 ILCS 5/2-1008A; undated, rec’d March 2008, 45 pp. + 5 appendices)

### Administrative & Regulatory Shared Services Center

*Summary of results of Executive Order 06-6 (2006)*

Center provides designated fiscal and human resource (HR) services for Departments of Central Management Services, Financial & Professional Regulation, and Revenue. HR and payroll staff were consolidated and relocated to the Willard Ice Building in October 2007. Fiscal staffs were consolidated in May 2008 with a planned relocation to the Department

of Financial and Professional Regulation in Springfield by the end of 2008. Center submitted no recommendations for changes in law. (15 ILCS 15/11; May 2008, 2 pp.)

### Agriculture, Dept. of

*Agricultural areas annual report, 2007*

A total of 115,839 acres in 57 agricultural areas is protected by the Agricultural Conservation and Protection Act in 23 counties. The largest area is in Jersey County with 9,637 acres. The smallest is in Henry County with 353 acres. (505 ILCS 5/20.1; April 2008, 6 pp.)

*Farmland conversion, FY 2007*

In FY 2007, 129,655 acres of land was purchased or affected due to the actions of state agencies. The Illinois Environmental Protection Agency converted the most land (71,906 acres). Other major acre conversions include Commerce and Economic Opportunity (13,825), Department of Natural Resources (9,085), and Illinois Commerce Commission (34,338).

(continued on p. 23)

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## Health & Safety

(continued from p. 13)

financial assets, excluding retirement accounts, exceed the amounts just described.) Separately, patients qualifying for these discounts may not be required to pay more than 25% of their family income to a hospital for medical services in a 12-month period.

Persons covered by the Comprehensive Health Insurance Plan will lose eligibility for it retroactively if found retroactively eligible for Medicaid (S.B. 2380, Schoenberg-Demuzio-J.Collins et al. — May-Currie-Flowers-Franks-Colvin et al.), **amendatorily vetoed**. (The Governor recommended reducing hospitals' monetary cushion when calculating required discounts; increasing the incomes of persons eligible for discounts from 3 and 6 times federal poverty guidelines to 6 and 8 times respectively; easing requirements for patients to get discounts; requiring juvenile diabetes patients to get automatic 50% discounts on copayments and deductibles; and having the Illinois Department of Public Health enforce the act instead of the Attorney General.)

**Insurance Coverage Mandates.** *Eating disorders.* Group health insurance that covers serious mental illness must cover treatment of anorexia nervosa and bulimia nervosa (H.B. 1432, Crespo-Chapa LaVia-Gordon-Lang-Ryg et al. — Cullerton-Martinez-Garrett-Crotty-Silverstein et al.), **amendatorily vetoed**. (The Governor recommended adding mandates to cover counseling services for effects of sex crimes, homicide, and suicide.)

*Marriage therapy.* Licensed marriage and family therapists are added to the kinds of practitioners whose services group accident and health insurers covering mental illness and nervous disorders must reimburse (H.B. 953, Lang-Saviano-Turner-Flowers-Yarbrough et

al. — Clayborne-Jacobs-Hunter et al.), **amendatorily vetoed**. (The Governor recommended also mandating coverage of autism-spectrum disorders and physical therapy for multiple sclerosis.)

*Physical therapy for MS.* The state employees' group insurance program, self-insured counties and municipalities, and school districts are to cover medically necessary preventive physical therapy for insureds with multiple sclerosis (H.B. 4255, Pritchard-Beiser-Crespo-Smith-Flowers et al. — Link-Koehler-Holmes-J.Collins), **amendatorily vetoed; died for lack of action**. (The Governor recommended adding the same provisions on coverage of autism-spectrum disorders as in H.B. 953.)

*Shingles vaccine.* Group and individual health insurance policies, HMOs, the state employees' group insurance program, school districts, and self-insured municipalities and counties must cover vaccination against shingles (reactivation of latent chicken pox virus) if it is ordered by a doctor and the insured is at least 60 (H.B. 4602, Beiser-Crespo-Smith-J.Bradley et al. — Haine), **amendatorily vetoed**. (The Governor recommended giving a disabled or retired fireman, who earlier declined municipal group insurance coverage, one chance to enroll, subject to some conditions.)

*Students and young adults.* Group insurers, HMOs, and voluntary health service plans must continue covering dependent college students who take medical leaves of absence or reduce their load to part-time status due to serious illness or injury, for 12 months or until coverage would have ended otherwise (H.B. 5285, Jefferson-Boland-Coulson-Hamos-Ryg et al. — Kotowski-Trotter-Crotty-J.Collins-Sandoval et al.), **amendatorily vetoed**. (The Governor recommended that additionally, such plans that cover

dependents may not stop offering coverage to unmarried dependents below age 26 subject to some conditions, or to dependents below age 30 who are military veterans. The General Assembly accepted his recommendations.)

**Mental Health Admissions.** Clinical professional counselors are added to the list of mental health professionals who may examine and determine that a minor meets the standards for inpatient admission to a mental health facility, or may recommend that a minor be admitted for an examination if admission is needed to complete an examination (H.B. 4199, Pritchard-Ryg-Ford — Schoenberg et al.).

**Sewage Disposal (Private).** Local governments may require homeowners with private sewage disposal systems to verify, as often as every 3 years, that they have contracts with licensed private sewage disposal system installation contractors, but may not charge for accepting such verification (S.B. 2034, Koehler-Risinger-Althoff — Leitch-Smith).

**Tobacco Sales.** A minor may not use a false ID card, or transfer or alter such a card, to buy tobacco. Tobacco products may be sold in a vending machine only if its products are limited to tobacco products and matches. Tobacco vending machines may not be in factories, businesses, offices, private clubs, and similar places. They may be at places where alcohol is sold by the drink, if their use is under direct supervision by the owner or manager (replacing a list of several kinds of places where they could be). Each tobacco product sold must be in a sealed container or package provided by the manufacturer, with a federal health warning (S.B. 2546, Clayborne-J.Collins — Burke-Froehlich). □

Robert L. Bayless  
Senior Staff Scientist



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## Civil Law

(continued from p. 5)

may not exceed \$15,000 (S.B. 1865, Noland—Gordon).

**Personal Information in Public Records.** On written request by any person, a county recorder must remove that person's Social Security and other identifying numbers from any records the recorder posts on the Internet. Within 12 months after enactment, all county recorders that post records on the Internet must send their county boards written policies and timelines for removing such personal information. Documents presented in the future to county recorders for recording must not contain Social Security numbers (with an exception for tax liens, death certificates, and any other documents required by law to have such information) (H.B. 5586, Munson-Schock-Coulson-Pihos-Cole et al.—Althoff).

**Pregnancy Expenses.** In a parentage suit brought within 2 years after a judicial determination of parentage (changed from 2 years after the birth), a court may order either parent to pay reasonable pregnancy and delivery expenses that were paid by a parent or (added) the Department of Healthcare and Family Services (S.B. 2594, Millner—Ramey).

**Protection Orders and Health Records.** A parent against whom an order of protection under the Domestic Violence Act of 1986 is in effect may not see the health records of a child protected by the order. At the request of the person who sought the order, the circuit clerk may send a certified copy of it to a medical facility or provider, which then may not allow a person against whom it was issued to see the child's health records unless the order expires or is vacated (H.B. 5121, Rose-Jakobsson—Righter-Martinez-Raoul et al.).

### Tenant's Rights After Foreclosure.

If a mortgage on rental property is foreclosed, and (1) no timely written notice of how to pay rent has been sent to the tenant or (2) the tenant has made good-faith efforts to stay current on rent (or (3) the tenant is current on rent, as under current law), the tenant must be allowed to stay in possession for 120 days or the time remaining on the lease, if shorter, if the tenant continues to pay rent or (added) makes a good-faith effort to do so. If no supplemental petition for forcible entry and detainer is filed during the foreclosure, notice of intent to file a forcible entry and detainer action must be served on the tenant at least 90 days before it is filed. Court records on a supplemental petition for possession must be sealed and disclosed only to police or other governmental officers (S.B. 2721, Crotty-DeLeo-J.Collins—Graham-Ford-Patterson-Yarbrough et al.).

**Vehicle Transfer on Death.** The application to register title to a vehicle must have a space for naming a person to inherit it if the owner dies (H.B. 1915, Hoffman—Haime).

**Victim Compensation.** If a former prisoner is to receive over \$500 to resolve charges against the Department of Corrections or county jail officials arising from imprisonment, the state's attorney where the prisoner was sentenced is to send notice to the victim(s), with advice to ask a lawyer about the possibility of recovering some of the money (H.B. 4450, Fortner-Black—Hultgren et al.), **amendatorily vetoed.** (The Governor recommended changing the advice provision to say that the victim should seek advice from the state's attorney.) □

*Robert M. Rogers  
Staff Attorney*

## 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: FY 2006-2008

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.

### Illinois Tax Handbook for Legislators

This handbook gives information on every significant Illinois state tax.

### 1970 Illinois Constitution Annotated for Legislators

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

### 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.

### County Data Book

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

### 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.

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# Local Government

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**The General Assembly voted to authorize flood-prevention efforts, including a 0.25% sales tax, in three Metro-East counties; authorize the Chicago Housing Authority to work with for-profit developers to increase the supply of housing; ban sex offenders from being election judges; and allow municipalities to require firefighters hired in the future to be EMTs.**

**CHA Business Partnerships.** The Chicago Housing Authority may enter a business arrangement with a non-profit or for-profit developer to rehabilitate, develop, and/or own low- and mixed-income housing for rental or sale. Department of Commerce and Economic Opportunity approval of such projects will not be required, and limits on rents charged will not apply (H.B. 5238, Yarbrough-Colvin-Golar-Soto-Graham et al.—Martinez-Steans-J.Collins-Raoul-Hunter et al.).

**County Treasurer Removal.** The grounds for removal by the county board are narrowed slightly by specifying that refusing to provide information sought by the board is a ground for removal only if the treasurer is required by law to keep that information (H.B. 4353, Ryg-Fortner—Link).

**Elections. Ballots.** If more than one person is to be elected to a given office, the ballot must say “Vote for not more than \_\_\_\_” rather than “Vote for \_\_\_\_”. If no candidate has filed or declared write-in candidacy for an office, the ballot must say “No candidate” for that office (H.B. 4174, Holbrook—Clayborne-Althoff).

**Objection meetings.** An election board for municipal, township, or education officers, when hearing objections to nominations or ballot propositions, may meet wherever the governing body of its unit of government regularly meets (formerly in the county courthouse)—except that voter records may be removed from an election authority’s office only with permission

and under supervision by that authority (H.B. 4588, Flider-Black et al.—J.Sullivan-Althoff-Koehler).

**Sex offenders as judges.** Persons required to register as sex offenders may not be election judges (H.B. 2671, Crespo—Noland et al.).

**Firefighters as EMTs.** Any municipality may require every firefighter hired after this act takes effect to be an EMT-B, EMT-I, or EMT-P (S.B. 2744, Noland et al.—Moffitt).

**Flood Prevention.** The Madison, Monroe, and/or St. Clair County board may create a flood prevention district to provide emergency levee repairs and flood prevention. Any such districts may join by intergovernmental agreement. They also may impose a 0.25% sales tax for flood-related purposes and issue revenue bonds payable from proceeds. They will have authority over the Metro-East Sanitary District as to flood prevention (S.B. 2052, Haine-Clayborne—Beiser-Holbrook-Stephens-Reitz-Hoffman et al.).

Any districts created under the act just described can also use their resources to help flood prevention outside their boundaries. They may reimburse counties for spending on emergency flood prevention before those districts and funding sources existed. Bonds issued by the districts will not count toward any statutory debt limitations (S.B. 836, Haine-E.Jones—Beiser-Stephens-Holbrook-Reitz).



**Jail Medical Costs.** A sheriff may apply for medical assistance (Medicaid) payments for an arrestee who is a hospital inpatient. Eligible arrestees may get such payments for inpatient services only (S.B. 1965, Haine—Holbrook-Beiser-Riley-Young-Stephens et al.).

**Technical Rescue Services.** Local governments providing fire protection may charge reasonable fees for “technical rescue services” that they provide, not to exceed the reasonable cost to provide the services (S.B. 2749, Althoff-Peterson—Moffitt-Smith-Bost-Holbrook-Schmitz).

**Waste Collection Franchises.** A municipality other than Chicago, if it has never awarded a franchise to a private entity for nonresidential waste collection, must mail notice to all known nonresidential waste collectors operating within its limits and hold a public hearing before awarding such a franchise. No franchisee may begin waste collection for 15 months after a franchise is issued (S.B. 2297, Clayborne—Holbrook-Chapa LaVia). □

*Jonathan Eastvold  
Research Associate*

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# Social Services

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*The General Assembly voted to re-create a program that offered medical coverage to some low-income veterans; require extensive information about each nursing home to be posted on-line; and create groups to study education for military children, services to children and young adults, and responsible fatherhood.*

**Children and Youth.** A Commission on Children and Youth, appointed by the Governor and legislative leaders, will propose a comprehensive 5-year plan for providing services to people from birth to age 24. It must send an interim plan to the Governor and General Assembly by yearend 2010, and a final plan by mid-2011 (H.B. 4456, Harris-Pritchard-Howard-Ford-Riley et al. — Steans-Delgado-J.Collins-Jacobs et al.).

**Emergency Home Response Trial.** The Department on Aging may conduct a 3-year demonstration in which older adult volunteers provide telephone reassurance and outreach as part of the Emergency Home Response Program. Any such demonstration must be evaluated when it ends (H.B. 1351, Dunkin-Ford-Boland-McGuire-M.Davis—Lightford et al.).

**Fatherhood.** The Council on Responsible Fatherhood Act, which sunsetted in July 2006, is re-created. A new Council on Responsible Fatherhood will develop a plan to promote positive involvement by fathers in children's lives; evaluate fatherhood-related programs; convene a statewide symposium; develop criteria and make grants (subject to appropriation) for fatherhood projects; and report annually to the Governor and General Assembly. The new act will expire in mid-2010 (S.B. 1864, Lightford-Hunter—Ford-Boland-McGuire-M.Davis-Dunkin et al.).

**Financial Education.** The State Treasurer can set up a nonprofit corporation to promote financial literacy and saving, make educational grants and

scholarships, and engage in similar activities. It can accept donations from any person or entity, and hold them outside the state treasury (S.B. 2098, Wilhelmi-J.Collins-Kotowski-Rutherford-Althoff et al.—Graham-Lang-Yarbrough).

**Military and Veteran Education and Unemployment Benefits.** The Lieutenant Governor will chair a committee to propose a law to implement the Interstate Compact on Educational Opportunity for Military Children. The Lieutenant Governor will also chair a task force to propose laws to help public universities and community colleges create Internet-based curricula for military members (especially overseas), and to offer a veterans' center at each public university or college to help veterans apply for benefits. A person who left work to accompany a military spouse reassigned to a different base can get unemployment benefits; the former employer's account will not be charged (H.B. 5368, Chapa LaVia-J.Bradley-Boland-McGuire-Ford et al.—Kotowski-Holmes).

**Nursing Home Guides.** Each nursing home must annually file a report, in a form specified by the Ombudsman for long-term care in the Department on Aging, on its services, staffing, resident demographics, rooms and furnishings, meals, visitation rules, and other topics. The reports must be posted on the Internet, and prospective residents must be told about them during prescreening (H.B. 3508, Joyce-Chapa LaVia-Colvin-Pihos-Brosnahan et al. — Maloney-Crotty-J.Collins-Garrett et al.).



**Sheltered Care.** The Department of Human Services must increase sheltered care rates by 10% upon enactment. These rates are paid to licensed facilities that provide maintenance and personal and nursing care to aged, blind, or disabled persons qualifying for state assistance (H.B. 4190, J.Watson-Hannig-Ford-Yarbrough-Black et al. — Demuzio).

**Veterans' Health Coverage.** The Veterans' Health Insurance Program is re-created after expiring January 1, 2008. (Similar services have continued under a substitute program.) As before, it will offer Medicaid-like coverage for low-income veterans to the extent funds are appropriated. It expires January 1, 2012 (S.B. 782, Forby- E.Jones-Halvorson-Martinez—Phelps-Black-Chapa LaVia-Reitz-Verschoore et al.).

**Visual Disability Certification.** An optometrist can certify visual disability for a Disabled Person Identification Card, license plates, and parking (H.B. 5655, Moffitt-Pihos-Mathias-Pritchard-Bellock — Wilhelmi-Millner-Trotter-Raoul). □

*Kristin Nisbet  
Research Assistant*



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# State Government & Pensions

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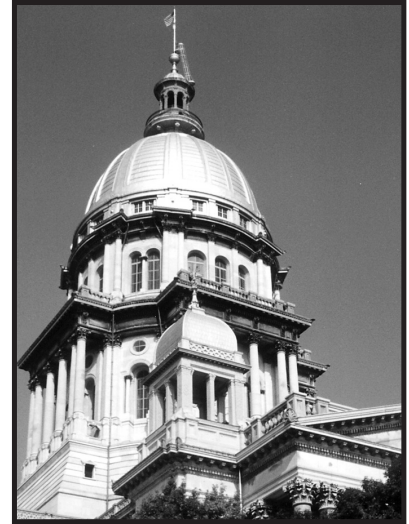
*The General Assembly voted to ban political contributions to state officials from businesses holding or bidding on contracts for which the officials are responsible; join a proposed interstate compact that seeks to elect Presidents by nationwide popular vote; and require disclosures by firms seeking fees to find property that may be declared abandoned. A commission will write a plan to cut extreme poverty in Illinois in half.*

**Contributions by State Contractors.** Businesses with annual state contracts, and/or contract bids and proposals, worth over \$50,000 must register electronically with the State Board of Elections. Each registration must list every subsidiary or other business entity related to the business; any executive officer or owner of over 7½% of the business; and each such person's spouse and minor children if any. Every bid or proposal for a state contract must certify either that the business is not within the requirements above, or that it is registered. The State Board of Elections will create a searchable Internet database of registrations, omitting names of minors.

A business required to register due to having annual state contracts worth over \$50,000, and its subsidiaries, affiliates, executives, over-7½% owners, and their families, may not contribute to a political committee for the officer who was responsible for awarding the contracts or any declared candidate for that office before the end of the officeholder's current term or 2 years after the contracts end, whichever is longer. A business required to register because its pending bids on state contracts (or such bids plus total annual state contracts awarded) exceed \$50,000, and its subsidiaries, affiliates, executives, over-7½% owners, and their family members, may not make such contributions from the date bids or proposals are invited until the day after the contract is awarded.

Any contract violating either of those prohibitions will be voidable by the contracting agency's chief procurement officer. The political committee that received the illegal contribution(s) must pay an equal amount to the state. If a business with annual state contracts exceeding \$50,000 makes prohibited contributions three times in 3 years, all its state contracts will be void and it may not bid on any more for 3 years (H.B. 824, Fritchey-Phelps-Black-Cross-Franks et al. — Harmon-Martinez-Raoul-Rutherford-B.Brady et al.), **amendatorily vetoed**. (The Governor recommended expanding the contribution ban to apply to contributions to political committees for state legislators and for party state central committees; prohibit state legislators from being employed by state or local governments except in teaching or public safety jobs; require General Assembly members and candidates to disclose clients paying them at least \$5,000 in one year to lobby or represent them before public bodies; and allow pay recommendations by the Compensation Review Board to take effect only with positive approval by the General Assembly.)

**Economic Studies.** The Department of Commerce and Economic Opportunity is to study current and projected shortages in "critical occupations and skill sets" in Illinois business, and report by next February (S.B. 2632 (Dahl-J.Jones-Luechtefeld — Winters-Riley), **amendatorily vetoed**. (The Governor recommended also requiring the Department to study the effects



on Illinois' economy of raising the income tax rate on individuals to 5%.)

**Felonies by Public Employees.** State's attorneys must notify the trustees of a retirement system or pension fund established under the Illinois Pension Code if an active member is convicted of an employment-related felony (H.B. 4700, Eddy-Flider-Fortner et al. — Demuzio).

**Pay Forfeiture for Crime.** A state or local official or employee who goes on administrative leave during a criminal investigation, and is convicted and dismissed, must repay any compensation and benefits received during the leave (H.B. 4726, Mitchell-Franks et al. — Bivins).

**"Political Committee" Definition.** The provision that any entity receiving or spending at least \$3,000 to support or oppose a ballot question of public policy becomes a "political committee" that must file reports is amended to say that the \$3,000 threshold applies to all costs for getting such a question on the ballot, whether or not the effort is successful (S.B. 2190, Link—Mathias-Fortner), **amendatorily vetoed**. (The Governor recommended also prohibiting a political committee for any state legislative or executive office from accepting any



contributions from state, municipal, or local government employees.)

**Poverty Reduction.** A commission of up to 26 members (including 4 legislators) will write a plan to reduce “extreme poverty” at least 50% by 2015. It will issue an interim report by March 1, 2009 and a strategic plan by 2010. By March 1 each year it will issue an annual report on implementation after at least one public hearing (H.B. 4369, Yarbrough-Pihos-Dugan-J.Bradley-Howard et al.—Frerichs-J.Collins-Hunter-Forby-Koehler et al.).

#### **Presidents Elected by Popular**

**Vote.** Illinois joins a proposed interstate compact calling for each state’s Electoral College votes to go to the presidential ticket that gets a majority of the national popular vote. The compact is to be in effect in any Presidential election year if states having a majority of electoral votes are members on July 20 of that year (H.B. 1685, Ford-Molaro-Froehlich-Fritchey-Phelps et al.—Link-J.Collins-Trotter-Noland-Harmon et al.).

**Teachers’ Survivor Benefits.** Adult disabled surviving children of Teachers’ Retirement System members can get TRS survivors’ benefits even if they also get Aid to the Aged, Blind and Disabled (which previously disqualified them) (H.B. 5120, Ryg-Bellock—Link).

**Teaching Part-time on Disability.** A provision allowing a teacher getting any of three kinds of disability from the TRS to work part-time in employment under the TRS is extended to allow such service under the State Universities Retirement System (H.B. 5699, Hamos—Schoenberg).

**Terrorism War Veterans’ Memorial.** A private entity may build, on state property at Oak Ridge Cemetery in Springfield, a memorial to persons who earned medals for antiterrorism service in Iraq or Afghanistan (S.B. 2302, Bomke et al.—Winters-Osmond-Bost-McAuliffe-Chapa LaVia et al.).

**Unclaimed Property.** *Finder regulation.* Anyone offering, for a fee, to

find a person’s property that is or may be declared abandoned must give that person a written disclosure saying that each state has an office of unclaimed property, which receives such property if its owner has not communicated with its holder for some number of years; the owner can collect the property from the unclaimed property office at no charge; and Illinois sets maximum fees for finding property not yet reported as unclaimed (S.B. 2636, Harmon et al.—Fritchey-Osterman-Kosel).

*Military medals.* The State Treasurer may not sell as unclaimed property medals awarded to U.S. military personnel, but may return them to owners or their heirs (H.B. 5904, Stephens-Bost-Wait-J.Watson-Osmond et al.—Martinez-Sandoval et al.).

#### **Women’s Heart Disease Month.**

Each February is declared Women’s Heart Disease Awareness Month (H.B. 5596, Coulson-Bellock et al.—Althoff-Bomke-Richter et al.). □

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## **Appropriations & State Budget**

*(continued from p. 2)*

State college and university appropriations from all funds rose \$71 million (2.4%) to \$3.1 billion; the percentage of the state budget going to higher education rose from 4.9% to 5.0%. Higher education’s share of General Revenue Fund spending also rose, from 8.1% to 8.4%.

House Bill 5701 required that funds in several appropriations to the Capital Development Board (CDB) be spent on projects that had written contractual agreements before August 31, 2007. As a result, CDB stopped work on several projects that were being fund-

ed using re-appropriated monies in the FY 2008 budget but did not meet the new contract requirements. Senate Bill 1130, P.A. 95-746 included supplemental appropriations of over \$56 million to CDB for such projects. The bill passed both houses July 10 and was signed and took effect July 22.

Total appropriations for operations were \$295 million (0.6%) below the Governor’s budget recommendation. No increases in general obligation or Build Illinois bonds were authorized. □

*Thomas Bazan*  
*Research Associate*

### **Budget**

**P.A. 95-734**, enacted by H.B. 5701 (Hannig-Ford-M.Davis-Turner-Flowers et al.—Trotter-J.Collins-Martinez-Hunter-Schoenberg).

**P.A. 95-731**, enacted by S.B. 1102 (Trotter-Hunter-Schoenberg—Hannig-M.Davis-Turner).

**P.A. 95-732**, enacted by S.B. 1115 (Trotter-Hunter—Hannig).

**P.A. 95-733**, enacted by S.B. 1129 (Trotter-Hunter—Hannig).

**P.A. 95-746**, enacted by S.B. 1130 (Trotter-Hunter—Hannig).

### **Budget Implementation**

**P.A. 95-744**, enacted by S.B. 773 (Schoenberg-E.Jones—Hannig-M.Davis-Turner).

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# Transportation

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**The General Assembly voted to make major changes in public transit funding in the six-county northeastern Illinois area; allow drivers and holders of state identification cards to list up to two persons each to be notified if a holder is noncommunicative; authorize new license plates to honor veterans or help survivors of police officers; and triple the minimum amount of vehicle damage that will require filing of an accident report.**

**Accident Reports.** The threshold for filing a mandatory automobile accident report is tripled to \$1,500 unless an uninsured driver is involved. Filing will be permissive if the damage is \$500 to \$1,499 (H.B. 5907, Rose—Righter-Althoff).

**Drivers' License Emergency Contacts.** The Secretary of State will set up a database of emergency contact information on drivers and state ID card holders. It can list two persons to call in an accident or emergency if the person is unconscious or noncommunicative (S.B. 993, Crotty-E.Jones-Munoz—D'Amico-Lyons-Brauer).

**License Plates.** *Army and Navy Veteran* plates are authorized for an extra fee of \$15 initially and \$2 at renewal. The Navy plate design must include the U.S. Navy emblem (S.B. 1850, Demuzio—Hannig-Lyons-D'Amico).

**Distinguished Service Cross.** A license plate honoring Distinguished Service Cross recipients is created for state residents awarded the Distinguished Service Cross by any branch of the military, or their surviving spouses (H.B. 4648, Leitch-Bost-Chapa LaVia-Brauer-J.Bradley et al.—Risinger-Lauzen).

**Police Association.** An Illinois Police Association specialty license plate is created. Of its extra fees, \$10 initially and \$23 at each renewal will go to a new fund to support families of officers killed while on duty (H.B. 5607, Moffitt-Holbrook-Sacia-Mathias-Smith—Haine).

**Roadside Memorials.** Relatives of deceased DUI victims may apply to have roadside memorials placed for accidents that occurred after 1989, instead of after 2002 (H.B. 4736, Kosel-Mendoza-Pihos-Mulligan-Cole et al.—Dillard-Althoff et al.).

## **“Safe Rides” Curfew Exemption.**

Drivers who are 17 and licensed at least 1 year are exempt from the under-18 driving curfew while participating in a Safe Rides program sponsored by the Boy Scouts or another national public service organization that carries liability insurance for the program (S.B. 1930, Schoenberg et al.—Nekritz-Mathias-Soto-Washington-Coulson et al.).

**Transit Funding.** With agreement by Chicago to collect and pay the Chicago Transit Authority net proceeds of a real estate transfer tax of up to \$1.50 per \$500 transferred, the CTA may issue \$1.349 billion in bonds and notes to fund employee retirement costs, and \$639.7 million for retiree health benefit costs. The bonds may be general obligations of the CTA, or revenue bonds. The CTA must separate its funding of retiree health care benefits from retirement funding by July 1, 2009. Boards of trustees for a CTA retirement system and a CTA health care benefits trust are established. The retirement system is to have a funded ratio of at least 60% from now to 2040, and 90% starting in 2059. All new CTA hires will come under the new retirement system. The health care benefits trust will assume responsibility for providing health care benefits to CTA retirees and their dependents and survivors by July 1, 2009.

The RTA must adopt the following by vote of at least three-fourths of its directors: a strategic plan; a 5-year capital program; and an annual budget and 2-year financial plan. It must promote coordination of and passenger transfers among the public transportation services under it, and can resolve disputes among them. It must also audit the performance of each service board under it at least every 5 years. The



RTA's sales tax rates go up in Cook County from 0.75% to 1% (from 1% to 1.25% on food and medicines), and in the collar counties from 0.25% to 0.75%. Of the 0.75% rate in the collar counties, 0.25% will go to their county boards for transportation and public safety costs. A specific percentage allocation among public transportation services of the proceeds of the rate increases is prescribed. The state match for taxes collected by the RTA is increased by 5% of the proceeds of the rates previously collected; starting in 2009 the state will also match 25% of the proceeds of the increases in rates (except that the state will match only half the increase in rates in the collar counties). The RTA can issue up to \$300 million in working cash notes, maturing by mid-2011.

A Downstate Transit Improvement Fund is created. The Madison County Transit District will get financial aid through it rather than from the Metro East Transportation Fund. Other changes are made in the distribution of downstate transit aid (H.B. 565, Hamos-Washington-Mathias-Ryg-Bassi et al.—Hendon-Cullerton-Martinez-DeLeo-Delgado et al.), **amendatorily vetoed.** (The Governor recommended adding a requirement that fixed-route public transit services provided under various acts allow free rides to their residents over age 65; the General Assembly accepted his recommendation.)

**Towing.** Tow operators who obtain ownership information on an unidentified vehicle from the Secretary of State for purposes of notifying its owner must also notify all recorded lienholders (H.B. 5108, Miller—Kotowski-Althoff). □

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

(continued from p. 15)

Lists conversions by county. (505 ILCS 75/6; March 2008, 12 pp.)

### Attorney General

*State collection statistics, 2007*

State agencies referred 27,076 cases to the Attorney General, with \$163.5 million owed to the state. Attorney General collected \$300.2 million on referred cases (including some from previous years). The Department of Healthcare and Family Services referred nearly 89% of the cases. (30 ILCS 205/2(j); Feb. 2008, 2 pp.)

### Auditor General

*Annual report, 2007*

Auditor General conducts financial and/or compliance audits for every state agency, completing 152 in 2007. Major findings included: Northern Illinois University capital asset reporting needs improvement; the University of Illinois Research Park, LLC, didn't pay money owed to the University of Illinois; University of Illinois Chicago Campus paid vouchers with inappropriate charges; the Testing Center at University of Illinois Urbana Campus needs to improve internal controls; Department of Transportation had inadequate procedures to dispose of confidential information; Illinois Conservation Foundation is not following its check disbursement policies; Department of State Police maintained inadequate controls over contractual payroll expenditures; Department of Financial and Professional Regulation Division of Professional Regulation's Enforcement Unit needs to improve documentation and timeliness of enforcement activities; Department of Natural Resources issued excessive administrative approvals for deer and turkey permits; Chicago State University did not always follow policies for employee travel and credit card use;

Department of Healthcare and Family Services did not bill premiums for all required children under All Kids; Illinois State Toll Highway Authority had insufficient controls over financial reporting, and did not implement the violation system in a timely manner. Performance audits, which are done at legislative request, looked at management of Department of Transportation's aeronautics operations; the performance of RTA, CTA, METRA, and PACE; followup report to the 2004 financial, management, and program audits of the Rend Lake Conservancy District; the Village of Robbin's use of Municipal Economic Development Funds; payments to the Illinois Hispanic Chamber of Commerce from state agencies; funding provided by or through the State to the Chicago project for Violence Prevention for the CeaseFire Program; the inventory of state programs; and Regional offices of Education. Information system audits were done on 20 agencies' computer systems. (30 ILCS 5/3-15; March 2008, 34 pp.)

### Central Management Services, Dept. of

*Business Enterprise Program annual report, FY 2007*

State agencies and universities awarded over \$572 million in contracts to certified businesses under the Business Enterprise Program for Females, Persons with Disabilities and Minorities, surpassing its statutory goal of nearly \$320 million and its targeted goal of \$506 million. Non-minority women-owned businesses received over \$274 million (47.9%) in state contracts, minority-owned businesses received \$273.6 million (47.8%), and businesses owned by disabled persons received \$24.2 million (4.2%). Lists the 52 agencies' and 9 universities' statutory and targeted goals and value of contracts to firms under the program. (30 ILCS 575/8f; Mar. 2008, 25 pp. + Executive Summary)

*State-owned and surplus real property report, 2007*

Agency now publishes report on CD-ROM. Disc contains spreadsheets for 30 state agencies and universities listing building names, locations, square footage, tax number, date of acquisition and cost, among other things. State sold two pieces of surplus property—a parking lot in Springfield for \$990,000 and a former Illinois Youth Center in St. Charles for \$3,662,500. Also lists surplus property by legislative district. (30 ILCS 605/7.1; Dec. 2007, 10 pp. + CD-ROM)

### Children and Family Services, Dept. of

*Child abuse and neglect prevention plan, 2006*

DCFS is the nation's largest child welfare agency accredited by the Council on Accreditation for Children and Family Services, and is also the first state agency to receive reaccreditation. The priorities of the Department are: child safety, family maintenance/reunification, permanency, placement stability, streamlining the system of care, tracking educational needs, addressing behavioral health care needs, reforming procedures where needed, continued federal funding, and enhancing systemic factors. Describes how the Department investigates or processes reports of suspected abuse or neglect and what it does to provide followup services; what the Department does to make effective and optimum use of existing resources, whether private, local/public, or state/federal; and the programs the Plan uses to reduce further incidence of child neglect and abuse in the State. (20 ILCS 505/4a; undated, rec'd June 2008, 75 pp.)

*Inspector General's Report, FY 2007*

Office of the Inspector General (OIG) investigates child deaths and serious injuries, investigates child welfare system complaints, investigates and prosecutes licensure complaints, helps

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with criminal history checks, operates a complaint hotline, acts as the ethics officer for DCFS, reviews and comments on proposed rule changes, and develops best-practices training models for caseworkers and supervisors. In FY 2007 it received 111 reports of child deaths; 20 were ruled homicides. The hotline received 1,250 calls resulting in 129 investigations. Includes death and serious injury investigation summaries and recommendations; general investigation summaries and recommendations; and DCFS responses. Lists recommendations to DCFS for improvements and previous years' recommendations and status. Discusses OIG initiatives for FY 2007. Summarizes cases of disciplined employees. (20 ILCS 505/35.5(h); Jan. 2008, 206 pp. + 2 appendices)

### Commerce Commission

#### *Office of Retail Market Development report, 2008*

The Office of Retail Market Development was created to promote the creation of an effectively competitive retail electricity market in Illinois. Since P.A. 95-700 was enacted in November 2007, four additional alternative retail electricity suppliers have been certified to serve residential and small commercial customers. Several workshops have taken place to discuss utility consolidated billing and purchase of receivables. The Office has no suggested administrative or legislative action. (20 ILCS 5/20-110; June 2008, 6 pp.)

#### *Public utilities annual report, 2007*

Reviews ICC's major decisions and other activities in calendar 2007, and gives overviews of the industries. Major electric utilities' 2006 average prices per kilowatt-hour were: Commonwealth Edison 7.74¢; MidAmerican

6.17¢; AmerenCILCO 6.30¢; AmerenCIPS 5.78¢; AmerenIP 6.68¢; and Mt. Carmel 7.75¢. Major gas utilities' 2006 average prices per therm were: MidAmerican \$1.029; Nicor Gas \$0.897; North Shore \$1.146; Peoples Gas \$1.308; AmerenCILCO \$1.149; AmerenCIPS \$1.209; and AmerenIP \$1.208. Also compares rates of major water and sewer utilities, and reviews federal actions affecting state utility service. (220 ILCS 5/4-304; Jan. 2008, 61 pp. + 2 appendices)

#### *Railroad accidents involving hazardous materials, 2007*

Commission inspectors checked 16,828 railcars carrying hazardous materials. They found 470 (2.8%) violations of hazardous materials standards in 2007; the 2006 violation rate was 4.1%. Seven derailments released hazardous materials; 10 did not release hazardous materials; and 81 hazardous releases occurred without derailment. Tables show location, railroad, material, suspected cause, amount involved and released, and date of each incident. (625 ILCS 5/18c-1204(3); Apr. 2008, 16 pp. + 3 tables and 6 attachments)

#### *Transportation regulatory fund annual report, FY 2007*

Fund received \$3.55 million and spent \$7.05 million—\$2.98 million to regulate motor carriers and \$4.07 million for railroads. Income from motor carriers was \$2.3 million, and from railroads \$1.25 million. Fund had 62 employees. (625 ILCS 5/18c-1604; Oct. 2007, 9 pp.)

### Commerce and Economic Opportunity, Dept. of

#### *Economic Development for a Growing Economy (EDGE) Tax Credit Program Annual Report, 2007*

The EDGE Tax Credit Program awards tax credits to eligible businesses to foster job creation and retention in Illinois. Eligibility depends on amount of capital investment and

number of jobs created, though minimums may be waived if the business is located in a distressed community, is located in an area with limited economic development prospects, would generate spin-off businesses, or would avert loss of a major employer. Contains profiles of the 56 projects approved in 2007 (2,286 projected jobs created; 9,108 projected jobs retained; \$1.36 billion projected private investment) and updates the tax status of prior projects that have received or lost tax credits. (20 ILCS 620/5(c); June 2008, 29 pp.)

#### *High Impact Business designation*

Household Finance Corporation III and Affiliates and/or Successors plans to invest \$47.75 million that will result in the retention of 1,600 jobs at its proposed Itasca facility. It will qualify for Illinois High Impact Business tax credits and exemptions for up to 20 years, provided it fulfills the minimums for investment and job retention. (20 ILCS 655/5.5(h); June 2008, 2 pp.)

### Comptroller

#### *Fee imposition report, FY 2007*

State received \$6.494 billion from 1,366 fees collected by 81 agencies. The largest fee collector was the Secretary of State, which reported fee revenue of \$1.872 billion (28.8%). Most of the fees went to restricted funds, such as the 37% deposited into Special State Funds and 21% deposited into Highway Funds. Only \$477 million of fee revenue went into the General Fund. Describes number and types of fees; number and amount collected by agency; and disposition of revenues. (15 ILCS 405/16.2; Mar. 2008, 13 pp. + 5 appendices)

#### *Receivables report, 2007*

Gross receivables due to Illinois at 2007 yearend were \$11.9 billion, a decrease of \$1.7 billion (13%) from 2006. The decrease is largely due to the sale of \$3.1 billion of the Student Loan Commission's student loans.



Excluding this sale, receivables increased \$1.3 billion from 2006. This is partly due to higher child support claims, public assistance recoveries at DHFS, and income tax receivable at DOR. Net receivables (estimated collectable receivables) were \$2.2 billion, an increase of \$260 million (13%) from 2006. Child support claims are the largest category of receivables (41%). Other categories include taxes (16%), public assistance recoveries (10%), current loan and note repayments (5%), and contributions (2%) while 26% are classified as "other receivables," which includes licenses and fees, federal government reimbursements, university activities, etc. Lists receivables by agency. (30 ILCS 210/4(d); March 2008, 28 pp.)

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

*Correctional Industries annual report, FY 2007*

Illinois Correctional Industries reported a loss of over \$2.06 million on a total operating revenue of \$38 million. Sales increased by \$892,000 (1%) over FY 2006. The three-year recidivism rate for prisoners who had past employment with the correction industry program was 44.7%. There were 220 inmates released directly from correctional industries from July 1, 2005 through June 30, 2006. As of October 2005, a total of 50 (42.4%) found employment after release. (730 ILCS 5/3-12-11; undated, rec'd Jan. 2008, 20 pp.)

*Quarterly report to the legislature, April 1, 2008*

As of February 29, 2008, there were 45,260 inmates in all adult facilities, 2.42% lower than the 46,384 projected by FY 2006 data. By March 2009 the total adult population is expected to rise to 46,095. Total population in adult transitional centers was 1,242 (38 below the total capacity of 1,280). Enrollment in educational and vocational programs was 9,412 (non-duplicated). Ratio of security staff to inmates was 0.176. A majority of

inmates (65%) are double-celled, with approximately 37 square feet of actual living area per inmate. One capital project is being currently funded: maximum-security correctional center at Thompson (1,600 beds, completion was expected winter 2002; occupancy date unknown). (730 ILCS 5/3-5-3.1; Apr. 2008, 11 tables)

#### **Criminal Justice Information Authority**

*Annual report, FY 2007*

In FY 2007 the Authority administered federal grants under the Violent Offender Incarceration and Truth-in-Sentencing Grant Program (\$20.3 million), Victims of Crime Act (\$14.6 million), Justice Assistance Grants Program (\$8.5 million), Violence Against Women Act (\$4.3 million), Juvenile Accountability Block Grants Program (\$3.6 million), Anti-Drug Abuse Act (\$3.3 million), National Criminal History Improvement Program (\$2.2 million), Residential Substance Abuse Treatment Program (\$1.9 million), Project Safe Neighborhoods (\$963,852), and National Forensic Sciences Improvement Act (\$340,626). Other 2007 accomplishments include the development of a data collection system allowing online motor vehicle theft reporting, and evaluation of Chicago's Safe Havens Supervised Visitation and Safe Exchange Grant Program. (20 ILCS 3930/7; Nov. 2007, rec'd Feb. 2008, 39 pp.)

#### **Deaf and Hard of Hearing Commission**

*Annual report, FY 2007*

Projects sponsored in 2007 were the Statewide Deaf Fingerspelling Bee; second annual conference; legislative updates on issues related to hearing loss; and review of education services available to deaf or hard of hearing children in Illinois. The Interpreter for the Deaf Licensure Act of 2007 was signed on September 12, 2007. Sign language interpreters are required to have a license effective January

1, 2009. The appropriation for FY 2007 was \$668,300 and \$630,202 was spent. (20 ILCS 3932/25; Jan. 2008, 15 pp.)

#### **Early Learning Council**

*Annual report, FY 2008*

The Council's focus in the past year has been the implementation of Preschool for All. The Council established new work plans for the 5 committees and 2 cross-committees; developed recommendations for teacher qualifications; convened a work group of the Oversight and Coordination Committee to focus on the challenges to implementing Preschool for All; and created public awareness documents for use by Preschool for All providers and parents. In June 2008, a team of early childhood leaders attended the National Symposium on Early Childhood Science and Policy at Harvard University. (20 ILCS 3933.15; undated, rec'd July 2008, 33 pp.)

#### **Educational Labor Relations Board**

*Annual report, FY 2007*

Board handled 113 representation cases in FY 2007, was involved through mediation in the settlement of 3 strikes, and considered 295 unfair-labor-practice cases. Lists biographical detail on current board members and selected agency personnel. Summarizes major board decisions and court rulings. The Board's FY 2007 budget was \$1.43 million. (115 ILCS 5/5(j); Jan. 2008, 22 pp.)

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

*Annual report, 2007*

The number of Illinois public school districts declined from 873 in the 2005-06 school year to 871 in 2006-07, and public school enrollment increased from 2.111 million in 2005-06 to 2.118 million in 2006-07. In 2007, the chronic truancy rate was 2.5%; dropout rate, 3.5%; average teacher salary, \$58,275; statewide operating expenditure per pupil, \$9,488 (in 2006); and elementary pupil-teacher ratio, 18.8:1. Low-income students  
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were 40.9% in 2006. The number of students with disabilities increased from 322,541 in the 2005-06 school year to 326,539 in 2006-07. Total funding for Illinois schools was \$22.6 billion: \$12.98 billion (57.3%) local, \$7.49 billion (33.1%) state, \$2.17 billion (9.1%) federal. (105 ILCS 5/1A-4(e); Jan. 2008, 59 pp.)

### *Charter schools annual report, 2006-2007*

Illinois had 34 charter schools in 2006-2007, serving nearly 17,000 students. Low-income students are a majority of enrolled students in 30 schools; in 12 of those schools they make up more than 90%. The schools served nearly 1,900 students with disabilities (up from 209 in 1998-1999). Twelve schools did not make adequate yearly progress. Five schools were identified by the state for “academic watch” and 2 for “academic early warning.” Although the State Board recommends no statutory changes, the schools listed 19 changes including allowing for-profit management; allowing more schools to open; and increasing startup grants per enrolled student. (105 ILCS 5/27A-12; Jan. 2008, 30 pp. + 1 addendum)

### *Complaints against private businesses and vocational schools, 2007*

Gives the name, address, and date(s) of visitation by the State Board of Education for each institution; a summary of complaints; and the status of investigations. The Board resolved 16 complaints and had 4 cases open. (105 ILCS 425/14.2; Jan. 2008, 42 pp.)

### *Early Childhood Prevention Initiative Program, 2008*

The Program began in 1989 to reduce school failure by coordinating and

expanding services to children ages 3 and under. In FY 2007, the program served 16,352 children through 115 programs. The Parents as Teachers model was used in 63% of those programs. Developmental screenings were given to 10,061 children. Report gives information on the number of workshops offered, services offered, number of projects participating in coordination, participant characteristics, and the number and percentage of participants responding to a parent evaluation survey. (105 ILCS 5/2-3.89(c); June 2008, 13 pp. + 1 appendix)

### *Education mandates annual report, 2007*

Thirty-five laws enacted in 2007 imposed 39 mandates on schools; 23 are estimated to impose no additional cost and 16 impose an indeterminate additional cost. In general, these mandates require: school buses must display telephone number for reporting erratic driving; inspection of school busses to ensure no students are aboard; conditions for school bus recording not to be illegal eavesdropping; conditions for districts to contract with a third party for services currently performed by employees; listing contracts more than \$25,000 or entered with an exclusive bargaining agent on school Web sites; schools be subject to provisions of The Whistleblower and The Whistleblower Reward and Protection Acts; transfer of personnel and positions after district changes; sick leave for birth or adoption be allowed; written notice to educational support personnel if work hours are reduced; health insurance policies to cover HPV vaccine; collective bargaining contracts meet specified conditions; bonuses for “hard to staff” districts be in 1 to 3 payments; District 299 must submit copy of agreement for alternative teacher evaluation system; no smoking in schools; integrated pest management plans (this was repealed as of January 1, 2008); schools with more than 50 students must have “green” cleaning

policies; construction projects applying for grants to meet “green” standards; publication of RFPs for energy conservation measures; publication of contracts awarded for energy conservation measures; disabled children be provided services until age 22 if necessary for integration into adult life; some schools offer summer breakfast or lunch (or both) programs; policies for facility use during non-school hours; bullying policies; biennial in-service training on domestic and sexual violence and parenting youth; a “brief period of silence;” release of information in library registration and circulation records under certain circumstances; permission for collecting biometric information; intoxicated driving consequences in safety curriculum; distracted driving instruction in driver education courses; law enforcement collaboration for gang resistance instruction; physical education waivers limited to two, 2-year renewals; specified factors for IEP development; conditions for granting graduation credits for students not yet in high school; reporting number of students in community college classes to State Board; procedures for transferring rights to disabled students 18 years old; proof of identity and age for new students; and eye examinations for all students. They also prohibit schools from enrolling in an employment eligibility verification system, but this mandate is not currently enforced. (105 ILCS 5/2-3.104; March 2008, 10 pp.)

### *School Districts’ Special Education and Expenditures and receipts report, FY 2007*

Lists each school district’s special education expenditures; receipts from state, federal, and local sources; and net special education expenditures exceeding receipts from school districts’ 2007 annual financial reports. Total net special education expenditures exceeding receipts in FY 2007 were \$900 million. (105 ILCS 5/2-3.142; May 2008, 46 pp.)

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**Employment Security, Dept. of**  
*Women and minorities in labor force, 2007*

Illinois' workforce participation rate is lowest among African Americans (61.5%). Hispanics (71.2%) have a higher participation rate than whites (69.1%) but continue to earn lower wages. Illinois' unemployment rate for whites is 4.4%; for Hispanics, 5.6%; and for African Americans, 10.7%. The median wage for women in Illinois increased from 73.9% (2001) to 78.0% (2006) of the median wage for Illinois men. Illinois minimum wage is \$7.50 per hour, higher than 43 other states. Includes figures of occupational trends and a career resource directory for women and minorities. (20 ILCS 1505/1505-20; April 2008, 47 pp. + tables + 2 appendices)

**Entrepreneurship Network Business Information Center**

*Annual report, 2007*

The Center is a statewide resource for businesses with questions about state and federal requirements, regulatory processes, and assistance. In 2007 the Center helped 12,383 clients; answered questions for 3,951 clients on licensing and registration, 1,869 on financial resources, 120 on market research, 79 on government contracting, and 21 on international trade; and issued 3,132 startup kits. The Center procured a Knowledgebase System to improve permitting, financing, and marketing tools for businesses. The new system replaces three outdated databases. (20 ILCS 608/15(q); March 2008, 12 pp.)

**Environmental Protection Agency**

*Groundwater Protection Program biennial report, 2006-2007*

This is the 10th biennial report under the Illinois Groundwater Protection Act. To date, 561 community water supplies have implemented local wellhead protection program elements and met the requirements for a full or partial State Drinking Water Act

monitoring waiver for volatile organic compounds and synthetic organic compounds. In 2006-07 the Illinois Department of Public Health (IDPH) issued nearly 140 permits for construction, modification, or extension of an existing non-community water supply. In 2006-07 IDPH and local health departments issued nearly 11,973 water well construction permits. (415 ILCS 55/4(b); Jan. 2008, 63 pp. + 22 pp. executive summary)

*Nonhazardous solid waste management and landfill capacity 2006*

Illinois' 49 landfills received 54.9 million gate cubic yards of waste, 5% less than 2005. Total landfill capacity increased 4.5%, good for 19 years at 2006 disposal rates. Waste was disposed of as follows: 67.5% landfilled and combusted, 24.3% recycled, and 8.2% composted. (415 ILCS 20/4; Dec. 2007, 21 pp. + appendices, maps, and tables)

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

*Insurance cost containment report, 2007*

Direct written premiums (premiums charged to policyholders) totaled \$20.8 billion in 2005, or 4.2% of total written premiums nationwide. Direct pure loss ratio (losses divided by direct earned premiums) declined to 56.5% (from 62.1% in 2004). The HHI Index, a measure of market concentration and market share, indicates that the market for medical malpractice insurance is highly concentrated (4471 HHI); HHI above 1800 indicates that the market could be approaching anti-competitive behavior. HHI's for other insurance lines (homeowner's, private passenger automobile, commercial auto liability, and other liability) were below 1800. (215 ILCS 5/1202(d); Apr. 2007, 39 pp. + 5 appendices)

*Insurance cost containment report, 2008*

Direct written premiums (premiums charged to policyholders) totaled \$21.1 billion in 2006, or 4.2% of total written premium nationwide. Direct pure loss ratio (losses divided by direct earned premium) declined to 56.3% (from 56.5% in 2005). The HHI Index, a measure of market concentration and market share, indicates that the market for medical malpractice insurance is highly concentrated (4148 HHI); HHI above 1800 indicates that market could be approaching anti-competitive behavior. HHI's for other insurance lines (homeowners, private passenger automobile, commercial auto liability, and other liability) were below 1800. (215 ILCS 5/1202(d); April 2008, 38 pp. + 6 appendices)

**Government Forecasting & Accountability, Commission on**

*Alternative Retirement Cancellation Payment Option report, FY 2006*

In 2005, some state employees were offered the Alternative Retirement Cancellation Payment option, a one-time opportunity for employees to forfeit future retirement benefits for a lump-sum payment; 285 employees from 24 agencies participated in this option. The State Employees' Retirement System paid \$12.2 million in refunds to participants. The payout released the state from \$14.6 million in liability, reducing SERS liability by \$2.4 million. The reduction in payroll and health insurance costs also resulted in an estimated \$13.7 million net savings. (40 ILCS 5/14-108.6; Dec. 2006, 7 pp.)

**Healthcare and Family Services, Dept. of**

*Medical Assistance Program annual report, FY 2004-2006*

Program spent \$8.2 billion in FY 2006, serving an average 2.1 million people per month through 51,191 providers (including 31,051 physicians,

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2,688 pharmacies, 747 nursing facilities, 291 home health agencies, and 262 hospitals). Senior Care and Circuit Breaker pharmaceutical assistance program merged in FY 2005 to form Illinois Care Rx program. The Health Benefits for Workers with Disabilities program provided coverage to slightly over 750 employed persons with disabilities at an average monthly premium of \$49. In FY 2006, DHFS served almost 55,000 people each month in 747 nursing facilities. DHFS collected \$153.1 million in state supplemental rebates from drug manufacturers in FY 2006. (305 ILCS 5/5-5 and 305 ILCS 5/5-5.8; 59 pp. + tables and graphs)

### Higher Education, Board of

*Annual report, 2007-2008*

In fall 2006 over 814,189 students were enrolled in 184 public and private colleges and universities, up 1% from 2005. The Board received \$2.205 billion for FY 2008, down \$18.2 million (0.8%) from FY 2007. The Board approved 211 applications for new programs in FY 2006. Financial aid to students totaled over \$5.5 billion in FY 2006 (federal, \$1.37 billion; state, \$596 million; institutional, \$1.7 billion; and other, \$1.95 billion). (110 ILCS 205/9.04; Jan. 2008, 40 pp. + figures)

*Report on gender equity in intercollegiate athletics, FY 2007*

Seven universities awarded 592 gender equity tuition waivers with a total value of \$2.9 million. Since gender equity tuition waivers began in 1996, 57.3% more females participate in athletic programs and funding to female athletic programs has increased 273.7%. (110 ILCS 205/9.24; April 2008, 37 pp.)

*Underrepresented groups in higher education, 2007*

Undergraduate and graduate enrollment of minority students at Illinois colleges and universities increased between 1996 and 2006 by 33.2% overall. By race, increases from 1996 to 2006 were: 63.3% Hispanics; 25.7% Blacks; 18.6% Asian/Pacific Islanders; and 16.5% Native Americans/Alaska Indians. Notes that in Illinois, black women (65%) are more likely to enroll in higher education than black men (35%). (110 ILCS 205/9.16; Dec. 2007; 36 pp. + 6 appendices)

### Human Services, Dept. of

*Child Care, FY 2007*

In FY 2007 the Department spent \$597 million on employment-related child care assistance, helping an average of 97,600 families with 177,400 children. Average monthly payment per child (including subsidy and co-pay) was \$341. To qualify (but not be guaranteed service) a family had to earn less than 50% of the state median income. In FY 2007 the maximum income level for a family of four was \$36,192. The average family size for child care assistance participants was 3.3. Participants are primarily single-parent families (96%) with 53.8% of families at or below the federal poverty threshold of \$20,650 for a family of four. (20 ILCS 505/5.15; March 2008, 27 pp.)

*Emergency Food and Shelter Program and Supportive Housing Program, FY 2007*

Using public and private shelters, the program provided 2.08 million nights of shelter, 2.9 million meals, and 2.5 million units of supportive services to homeless persons in FY 2007. Program received approximately \$8.5 million in FY 2007. Supportive Housing Program provided supportive services to 8,071 persons in 5,285 households with a budget of \$6.5 million. Causes of homelessness include lack of income, housing problems, drug/alcohol

abuse, family and neighborhood problems, release from prison or a mental institution, and relocation. (305 ILCS 5/12-4.5; April 2008, 68 pp.)

*Homeless Prevention Program, FY 2007*

In FY 2007 Program received \$11 million from an Affordable Housing Trust fund line item appropriation. Program served 14,178 households, of which 66% were families with children under 18. The 21 centers served an average of 675 households per center, spending almost \$775 per household; 86% of all participants remained housed at least 6 months after FY 2007. (310 ILCS 70/13; April 2008, 38 pp. + graphs)

*Salary and staffing survey of licensed child care facilities, FY 2007*

A survey of 496 licensed child care centers showed that, for centers responding: 50% were full-day/full-year only programs; 59% were not-for-profit; average licensed capacity was 94 children; median hourly wage for a full-time Administrative Director was \$18; median hourly wage for a full-time early childhood teacher was \$12; most centers did not provide insurance or time-off benefits to their staff; and the turnover rate for early childhood teachers for the last 2 years was 28%. A survey of 1,390 family child care home providers showed that, for providers responding: average license capacity was 9.5 children with an average of 7.2 children cared for per week; average annual net income was \$14,502; average care per week was 49.1 hours, and 55.3% of providers had some form of college education. (20 ILCS 505/5.15; May 2008, 99 pp. + appendices)

*YouthBuild annual report, 2007*

YouthBuild is a program for 16- to 24- year olds to work toward their GED or high school diploma while building homes for low-income or homeless people. In FY 2008, DHS provided grants totaling \$270,626 to



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four YouthBuild Illinois programs in Bloomington, East St. Louis, Rockford, and Waukegan. In 2007, the program served 149 youth at an average cost to DHS of \$1,816 per youth and maintained an 85% attendance rate. A total of 12 new homes were built, 11 homes were remodeled, and 4 wheelchair ramps were built in local communities. (20 ILCS 1315/45; July 2008, 15 pp. + 4 appendices)

### **Illinois Judicial Conference**

*Annual report, 2007*

The annual Judicial Conference received the reports of seven appointed committees. The Alternative Dispute Resolution Coordinating Committee developed a uniform arbitrator reference manual for use as a training tool. The Automation and Technology Committee continued to study the use of video court/conferencing systems in the trial courts. The Study Committee on Complex Litigation continued its efforts to keep the Illinois Manual for Complex Litigation and the Illinois Manual for Complex Criminal Litigation updated. The Committee on Criminal Law and Probation Administration prepared a report and a proposed pre-sentence investigation format for potential use by judiciary and probation officers. The Committee on Discovery Procedures examined proposals to amend certain rules and began a project to study e-Discovery. The Committee on Education oversaw planning of the 30-hour curriculum for the 2008 Education Conference, began preparation of judicial benchbooks, and implemented a plan for recruitment of judicial education faculty members. The Study Committee on Juvenile Justice updated Volume 1 of the Illinois Juvenile Law Benchbook. (Ill. Const., art 6, sec. 17; undated, rec'd March 2008, 7 pp.)

### **Joint Task Force on Deaf and Hard of Hearing Education Options**

*Early intervention report, 2007*

Task Force was created to improve education services available to the

deaf or hard of hearing children in Illinois. Task Force recommends: authorizing the exchange of child-specific data and information between Newborn Hearing Program stakeholders and associated state agencies for the coordination of care; reviewing the current prohibition of travel compensation included in the Illinois Early Intervention Services Systems Act; and mandating compliance with Acoustical Performance Criteria, Design Requirements, and Guidelines for Schools (ANSI S12.60-2002). (H.Res. 1 (2007) and S.Res. 26 (2007); Dec. 2007, 12 pp.)

### **Labor, Department of**

*Child Labor Law Annual Report, FY 2007*

In FY 2007, Department employees investigated 1,224 establishments and cited 1,033 violations of the Child Labor Law. Penalties totaled \$33,816. Most of the violations (71%) were for work before 7 a.m. or after 7 p.m. (9 p.m., June 1 to Labor day). Additionally, 17,828 employment certificates were issued, up 29% from 13,746 in FY 2006. (820 ILCS 205/18.2; undated, rec'd Feb. 2008, 2 pp.)

*Equal Pay Act of 2003 annual report, 2007*

The Department responded to 1,320 equal pay-related calls and 1,945 "other" calls on its hotline. In 2007, it received 73 new equal pay complaints and closed 69 cases; 19 cases were open as of December 21, 2007. (820 ILCS 112/50; undated, rec'd Feb. 2008, 3 pp.)

### **Legislative Audit Commission**

*Annual report, 2007*

In 2007, the Commission reviewed 215 compliance and financial reports, 8 performance audits, and one followup report. Key accomplishments include review of all emergency purchases made by state agencies, Web page maintenance, and publication of revised editions of *Purchasing Laws*

and *University Guidelines*. The Statewide Single Audit for FY 2006 contained 95 findings with 55 repeat findings. The audit noted that the state's process for compiling information regarding the expenditure of federal funds is inadequate and does not allow for timely and accurate reporting. (25 ILCS 150/3; March 2008, 30 pp. + 4 appendices)

### **Legislative Reference Bureau**

*Report of the Illinois Delegation to the National Conference of Commissioners on Uniform State Laws, 2007*

NCCUSL proposed 5 new uniform laws or modifications in 2007: (1) Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act clarifies the roles of guardians and conservators in caring for incapacitated adults and establishes that only one state will have jurisdiction at one time; (2) Uniform Rules Relating to the Discovery of Electronically Stored Information provides updated rules for the discovery of electronic documents in civil cases; (3) Uniform Interstate Depositions and Discovery Act provides efficient and inexpensive procedures to enable a party in one state to effectuate depositions, discover documents, and inspect premises in other states; (4) Uniform Limited Cooperative Association Act creates a new form of business entity as an alternative to other cooperative and unincorporated structures; (5) Uniform Representation of Children in Abuse, Neglect and Custody Proceedings Act establishes three categories of representatives and clarifies their duties for children in abuse, neglect, or custody cases. (25 ILCS 135/5.07; Nov. 2007, 18 pp.)

### **Lieutenant Governor, Office of the**

*"Service Evaluation Survey," 2007*

The survey allows school boards and school superintendents to assess the Illinois State Board of Education

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(ISBE) and Regional Offices of Education (ROEs). There were 869 surveys sent out and 338 returned. In the service evaluation of ISBE, the overall rating was 70.6% satisfactory, 19.4% excellent and 10% said improvement was needed. The service evaluation responses for ROEs were better, with 47.7% rating excellent, 40.4% satisfactory, and 11.9% needs improvement. Also includes a summary of written comments from the survey and statistics relating to the frequency of interaction with ISBE and ROEs and the frequency of visits to their Internet sites. (105 ILCS 5/2-3.112(e); Dec. 2007, 4 pp.)

### **Metropolitan Pier and Exposition Authority**

*Affirmative action plan, FY 2008*

Authority analyzed and updated its equal opportunity program. As of June 30, 2007, it had 589 full-time employees, of whom 214 (36%) were female. In total, 236 (40%) of its employees were members of minority groups, including 160 (27%) African-American; 67 (11%) Hispanic; 7 (1%) Asian; and 2 (<1%) Native American. Of 94 full-time officials and managers, 42 (44%) were female and 29 (30%) were minorities, of whom 16 (17%) were African-American; 9 (9%) Hispanic; 4 (4%) Asian; and none Native American. Of 83 full-time professionals, 47 (56%) were female and 36 (43%) were minorities, of whom 25 (30%) were African-American; 10 (12%) Hispanic; 1 (1%) Asian; and none Native American. Of 84 full-time administrative and support staff, 70 (83%) were female and 51 (60%) were minorities, of whom 42 (50%) were African-American; 9 (10%) Hispanic; and none Asian or Native American. Of 181 full-time skilled craft workers, 8 (4%) were female and

53 (29%) were minorities, of whom 24 (13%) were African American; 27 (14%) Hispanic; 2 (1%) Native American; and none Asian. (70 ILCS 210/23.1(a); Aug. 2007, 120 pp.)

### **Motor Vehicle Theft Prevention Council**

*Annual report, 2007*

Council aims to reduce vehicle theft, insurance fraud, and motor vehicle theft-related crimes. Total FY 2007 expenditures were \$6.81 million. Total 2007 grant awards were \$6.48 million. Seventy-two percent of vehicles stolen in Illinois in 2006 were recovered, with a 15-day average time from theft to recovery. In 2006, there were 7,365 arrests for vehicle theft in Illinois. Since 1991, annual motor vehicle theft offenses dropped 47%, annual theft rate decreased 55%, and Illinois dropped to 8th in the country for vehicle theft occurrence. (20 ILCS 4005/7(g); undated, rec'd June 2008, 20 pp.)

### **Property Tax Appeal Board**

*Annual report, 2007*

Board hears property tax assessment appeals for residential, commercial, industrial, and farm property and determines the accurate assessment. Lists by county total reduction requests of at least \$100,000, total cases decided, and total change in assessed value from 2000 through 2006 (industrial and commercial appeals only). The Board closed 9,229 residential appeals in 2007, compared to 6,331 in 2006. (35 ILCS 200/16-190(b); Jan. 2008, 17 pp.)

### **Public Health, Dept. of**

*Health and Hazardous Substances Registry, FY 2007*

The Registry began in 1985 to collect and analyze data on selected public health concerns and hazardous exposures. In FY 2007 it issued 8 epidemiological reports; delivered 12 presentations and 47 training workshops; submitted 7 grant proposals; and responded to 122 requests for general

information. Tables show data collection, dissemination, presentations, reports, and grants. (410 ILCS 525/8; Oct. 2007, 47 pp.)

*Report under Nursing Home Care Act and Abused and Neglected Long-Term Care Facility Residents Reporting Act, 2006*

Illinois had 1,284 nursing homes with 123,773 beds in 2006. Allegations of physical abuse by nursing aides decreased from 355 in 2005 to 206 in 2006; IDPH put findings of abuse, neglect, or misappropriations of a resident's property into the listing of 108 aides. Total calls to the Central Complaint Registry increased from 18,000 in 2005 to 19,103 in 2006. (210 ILCS 30/6 and 45/3-804; Nov. 2007, 46 pp. + tables + figures + appendices)

### **Public Safety Shared Services Center**

*Summary of Results of Executive Order 06-6 (2006)*

Executive Order reorganized human resources and fiscal offices within Department of Corrections, Department of Juvenile Justice, State Police, Emergency Management Agency, State Fire Marshal, Criminal Justice Information Authority, Police Merit Board, Law Enforcement Training Standards Board, and Prisoner Review Board. The Public Safety Shared Services Center (PSSSC) is housed at the Illinois Department of Corrections. Implementation of a timekeeping project was scheduled for summer 2008. Vendor award for the Illinois Statewide Information System is expected in 2009. (15 ILCS 15/11; May 2008, 2 pp.)

### **Social Security Number Protection Task Force**

*Report, 2007*

The Task Force was placed within the Office of the Attorney General in 2007. The Task Force is looking into ways to prevent unauthorized disclosure of Social Security numbers (SSNs) including manually redacting

personal information from public documents or using extraction software to redact information. The Task Force is also studying government entities' use of SSNs and how some entities are already replacing SSNs with another identifier. (20 ILCS 4040/10; Dec. 2007, 5 pp.)

### **Sports Facilities Authority**

*Annual report, 2007*

Authority completed over \$6 million in renovations at U.S. Cellular Field, including adding the Jim Beam Club, relocating the press box, and installing a "greener" permeable paving in Parking Lot L. Current projects are on schedule and on budget, and Minority and Women Business Enterprise participation goals have been met. Authority hired a concert consultant to market major musical events. Authority's primary revenue source is hotel taxes. As of June 30, 2007, current assets totaled \$99.0 million, current liabilities \$16.7 million, long-term assets \$251.7 million, and long-term liabilities \$491.1 million. (70 ILCS 3205/18; undated, rec'd March 2008, 20 pp.)

### **State Police**

*Court decisions on FOID cards, 2007*

The Department of State Police (DSP) reported 12 cases in 2007 on its denial of Firearm Owner's Identification (FOID) Cards: (1) trial overruled DSP's denial based on mental health records (reason not given in report); (2) trial court dismissed complaint against DSP for revoking card due to an order of protection; (3) Attorney General advised DSP that there was no case to argue in DSP's opposition to trial court's order to issue card that had been denied due to domestic battery conviction (reason not given in report); (4) Appellate Court upheld trial court's decision in favor of plaintiff who had been denied card for a felony conviction (reason not given in report); (5) trial court granted DSP's motion to dismiss complaint for denial of card due to a theft conviction; (6)

case closed due to plaintiff's death; and (7) DSP won, on appeal, case to issue FOID card with warning due to domestic battery conviction. Five cases are still pending. (430 ILCS 65/11; June 2008, 3 pp.)

*Use of eavesdropping devices, 2007*

Reports from 64 counties on 840 applications (780 original and 60 extensions) for eavesdropping with the consent of one party. Types of crimes investigated were: 71% drug-related, 13% not reported, 7% sex-related, 4% other, 3% murder-related, and 2% theft-related. Eavesdropping brought 892 arrests with 167 convictions, 357 trials pending, and 173 arrests pending. Table gives basic facts on each order, including county, requesting agency, and type of crime suspected. (725 ILCS 5/108A-11(c); Feb. 2008, 45 pp. + 1 appendix)

### **State Universities Retirement System**

*Minority- or female-owned investment managers, 2007*

As of June 30, 2007, 20 of SURS' 36 investment managers (55.5%) were owned by minorities, women, and/or persons with disabilities. SURS' actively managed program totals \$16.04 billion, of which \$2.27 billion (14.1%) is managed by emerging investment managers. Explains SURS' method of selecting investment managers and includes affirmative action reports by emerging businesses and others providing investment services to SURS. (40 ILCS 5/1-109.1; Aug. 2007, 14 pp. + appendices)

### **State's Attorney Appellate Prosecutor**

*Annual report FY 2007*

Agency completed 1,722 appellate cases. The Local Drug Prosecution Unit helped in 4,737 criminal cases and 1,889 drug asset forfeiture cases. The Labor Unit represented 19 counties, the Tax Objection Division assisted with 43 cases in 16 counties, and the Special Prosecution Unit

helped with 427 cases in 70 counties. The agency also presented four week-long trial advocacy courses, held specialized criminal justice seminars, and published the monthly case decision digest and the annual Illinois Uniform Complaint Book. (725 ILCS 210/4.06; July 2007, rec'd Jan. 2008, 49 pp.)

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

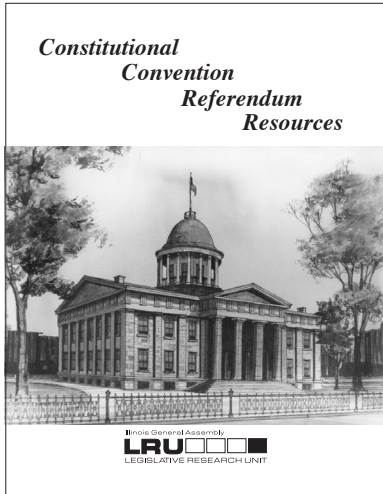
*Rental of right-of-way parcels, FY 2007*

Shows rental of right-of-way parcels until needed for highway construction, with details by county including number of rented parcels, number of parcels with buildings or improvements, and total rent collected. Statewide, there were 302 parcels rented (22 with improvements), generating \$1.011 million in rent. (605 ILCS 5/4-201.16; Aug. 2007, 4 pp.)

## **2008 VETO SESSION**

**October  
30 Perfunctory (H)**

**November  
5 Perfunctory (S)  
12, 13, 14 Session  
19, 20, 21 Session**



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## New Website on the Constitutional Convention Referendum

A referendum on whether to convene a constitutional convention will be on the ballot November 4, 2008.

To help legislators, staff, journalists, and the general public understand the history behind the provision, and the ramifications of the question, the LRU staff has launched a new page on our Website called "Constitutional Convention Referendum Resources."

The Website includes numerous hard-to-find documents, and original analysis, such as:

- history of Illinois' previous constitutional conventions;
- arguments from the 1970 convention proceedings on the reasoning behind the referendum provision;
- scholarly background papers, summary of testimony from hearings, and recommendations of the "Committee of 50" before the 1988 referendum;
- referendum results by county and voter pamphlet from 1988;
- costs of the 1970 convention, 1988 estimates, and new estimates and timetable for a 2010 convention; and
- analysis of 14 states with similar automatic referenda and constitutional revision in other states in recent years.

The Website can be found at: [www.ilga.gov/commission/lru/lru\\_home.html](http://www.ilga.gov/commission/lru/lru_home.html)

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## FIRST READING

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