

Major bills passed by the Illinois General Assembly

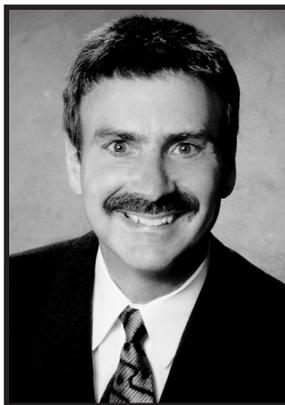
This issue of *First Reading* summarizes selected bills as they passed both houses of the General Assembly and reports the Governor's action, if any, on each of them. A total of 414 bills passed both houses during the 2004 spring session and later special sessions. This issue summarizes 223 bills of general interest in 14 categories. Page 14 of this issue gives Public Act numbers for bills that have been signed or have become law without the Governor's signature, and information on vetoes. Information on all bills of the session is available on the World Wide Web at:

<http://www.legis.state.il.us>

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2004 VETO SESSION

November
8, 9, 10 Session
16, 17, 18 Session

Appropriations & State Budget

The state budget enacted for fiscal year 2005 is \$46.0 billion—3.6% above the \$44.4 billion for fiscal year 2004. Appropriations from the General Revenue Fund rose 1.1%, from \$23.4 billion to \$23.7 billion; appropriations from other state funds and from federal funds rose 6.3%, from \$21.0 billion to \$22.3 billion.

Note: The General Assembly has not yet authorized capital spending for fiscal year 2005. To make it possible to compare the numbers shown in this article, and in the graphs on the next page, for fiscal years 2004 and 2005, **all numbers given for both fiscal years exclude capital spending.** Also, the fiscal 2004 numbers given here include supplemental appropriations to some agencies that were not part of the original fiscal 2004 appropriations.

The agencies getting the largest dollar increases were the Department of Public Aid (\$979.5 million, +9.1%); Illinois Emergency Management Agency (\$79.6 million, +20.0%); Commerce Commission (\$75.8 million, +151.2%); Department of Transportation (\$70.4 million, +3.7%); and Department on Aging (\$66.9 million, +20.3%).

The increase to the Department of Public Aid will allow it to continue with the same medicaid reimbursement rates and expand eligibility for FamilyCare (both programs were exempted from 4% across-the-board cuts). The increases to the Illinois Emergency Management Agency are for terrorism and emergency preparedness training, and relief from the Utica tornado disaster. The Commerce Commission's increases reflect its assumption from the Department of Central Management Services of the program of grants to municipalities to fund wireless 911 services. The Transportation increase reflects funding increases for Motor Fuel Tax Revenue Sharing grants, Strategic Capital Improvement Bond debt service assistance to the Regional Transportation Authority, and the state's share of retirement contributions. The Department on

Aging increase reflects an increase in reimbursement rates to community service providers for investigation, casework, and followup on elder abuse and neglect cases; the Meals on Wheels Program; and the Department's assumption from the Department of Revenue of the "Circuit Breaker" Pharmaceutical Assistance Program.

The largest declines by agency were in the budgets of the Departments of Commerce and Economic Opportunity (\$370.8 million, -30.3%); Children and Family Services (\$77.2 million, -5.7%); Revenue (\$62.1 million, -6.0%); Corrections (\$56.5 million, -4.0%); and Central Management Services (\$34.3 million, -1.0%). These decreases mostly reflect across-the-board cuts in those departments' operations. In addition, the Governor's proposed Opportunity Returns Program for DCEO went unfunded, and the DCFS appropriation reflects fewer children in the foster and specialized care system.

Elementary and secondary education get an additional \$426.7 million (+5.6%) from all funds. Local education's share of the total state budget rose slightly from 17.2% to 17.5% (see Figure 1). Its share of General Revenue Fund spending rose significantly, from 23.3% to 24.5%. Total FY 2005 appropriations for local public schools are \$8.059 billion.

State college and university funding fell \$86.7 million to \$2.4 billion (-3.4%); the percentage of the state budget going to higher education also fell, from 5.7% to 5.3% (see Figure 1). General Revenue Fund appropriations to higher education declined about 0.78%, and

higher education's share of General Revenue Fund spending also declined, from 9.1% to 8.9%.

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

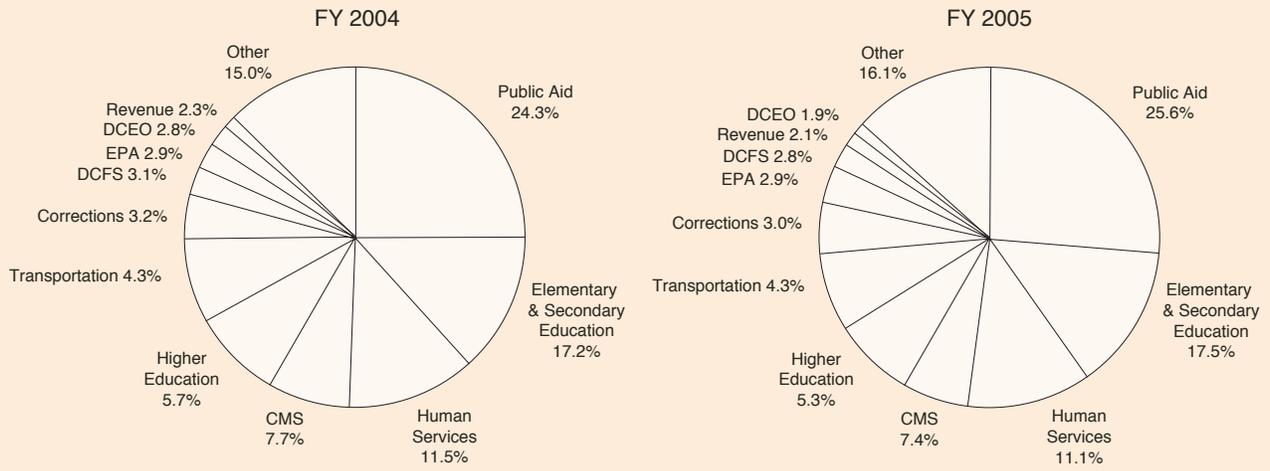
The General Assembly appropriated \$425.5 million from the Tobacco Settlement Recovery Fund for these purposes: medicaid, \$298.7 million; the "circuit breaker" property tax relief and pharmaceutical assistance programs, \$84.5 million; medical research and treatment, \$18.7 million; tobacco prevention and control, \$15.2 million; capital maintenance, \$5.0 million; and other programs, \$3.5 million.

Total fiscal year 2005 appropriations exceeded the Governor's budget recommendations by \$181 million. The Governor's Office of Management and Budget had not released total new appropriations and reappropriations in the fiscal 2005 budget by press time.

(P.A. 93-842, enacted by S.B. 3340, Trotter-Schoenberg-Welch—Madigan-Cross-Hannig-Beaubien). □

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



Appropriations From All Funds (billions)

	FY 2004	Share of '04 total	FY 2005	Share of '05 total	Dollar Change
Public Aid	\$10.8	24.3%	\$11.8	25.6%	\$1.0
Education (local)	7.6	17.2	8.1	17.5	0.5
Human Services	5.1	11.5	5.1	11.1	0
CMS	3.4	7.7	3.4	7.4	0
Higher Education	2.5	5.7	2.4	5.3	-0.1
Transportation	1.9	4.3	2.0	4.3	0.1
Corrections	1.4	3.2	1.4	3.0	0
Environmental Protection Agency	1.3	2.9	1.3	2.9	0
DCFS	1.4	3.1	1.3	2.8	-0.1
Revenue	1.0	2.3	1.0	2.1	0
DCEO (formerly DCCA)	1.2	2.8	0.9	1.9	-0.3
All others	6.7	15.0	7.4	16.1	0.7
Total appropriations*	\$44.4	100.0%	\$46.0	100.0%	\$1.6

* Totals may not add exactly due to rounding.

Business & Economic Development

The General Assembly voted to increase economic protections for military personnel, and add to the federal requirement to notify workers before large layoffs. Consumers must receive disclosures when making contracts that will be automatically renewed. A tax credit for job creation, and state contracts set aside for small businesses, will be offered to more businesses.

Contract Renewals. *Generally.* A consumer contract that will be renewed automatically must plainly say so and tell how it can be cancelled. If it will last at least 1 year and be automatically renewed for more than 1 month, written notice must also be sent to the consumer between 60 and 30 days before the cancellation deadline. Financial institutions are exempted from these and existing provisions on automatic renewals (H.B. 4450, Kelly-M.Davis et al.—Clayborne-Halvorson).

Internet service. An Internet service provider using 1-year automatically renewed contracts must allow consumers to cancel through the Internet (S.B. 2858, Winkel-J.Collins—Jakobsson-Millner-Pihos-Coulson-Washington et al.).

Gift Certificates or cards that go unused will eventually belong to the state by escheat if their issuers have and enforce post-sale charges or fees. Any fees and expiration dates for such certificates must be printed on them—or available by toll-free call in the case of expiration dates (S.B. 2901, Garrett-Sandoval-J.Collins et al.—Ryg-Pihos-Nekritz-Froehlich-Berrios et al.).

Home Building Codes. Every contract to build a house or duplex in an area with no residential building code must use a code in effect within 100 miles of the location, or comply with three codes listed in this new act. If a house is built for immediate resale, its builder must certify to the buyer the code under which it was built (S.B. 2820, B.Brady-Ronen-Sandoval et al.—J.Bradley-Boland).

Insurance. *Life insurers* may not treat customers differently due to their “past

lawful travel experiences” (S.B. 2620, Silverstein-D.Sullivan-Schoenberg-Garrett et al.—Mathias-Feigenholtz-Coulson et al.).

Surplus lines. The kinds of insurance prohibited to “unauthorized” insurers and surplus-lines insurers are expanded. Policies from “unauthorized” insurers must prominently note that they are not backed by the Illinois Insurance Guaranty Fund (S.B. 2560, Harmon-Sieben—Hoffman-Osmond-Yarbrough-Colvin).

Underinsured motorist. If for any reason the insurer of an underinsured driver who is at fault does not pay up to its liability limits, an insurer providing underinsured-motorist coverage to another participant in the crash can be required to pay up to its own liability limits (previously only up to the difference between its limits and the limits of the underinsured driver’s insurer) (S.B. 2830, Roskam-Cullerton-Hunter—Hultgren-Parke, **vetoed**; S.B. 2238, Jacobs-Hunter—Molaro-Mautino-Hultgren-Yarbrough).

Military Service. *Rehiring.* A fine of \$5,000-\$10,000 is added for knowing failure to rehire an employee who left for military service (H.B. 4660, Dugan-McAuliffe-Chapa LaVia-Bost-Flider et al.—Shadid et al.).

Unemployment taxes on an employer will not rise due to closure of the employer’s business resulting from entry into the military of its owner or a major officer or shareholder (S.B. 2547, Shadid-Lauzen-Maloney et al.—Slone-Lindner-Yarbrough).



Mobile Home Parks. Park owners must disclose to new lessees, and annually, information on rents charged in the last 5 years, fees, and security deposits. Lessees can sue owners for false advertising (S.B. 2791, Crotty-J.Collins-Radogno et al.—Kelly-Munson-Nekritz-Dugan-Miller et al.).

Mortgages. *Insurance.* A mortgage lender may not require a borrower to buy hazard insurance for more than the replacement cost of the improvements insured (S.B. 3077, B.Brady—Pankau-Washington-Pihos-Yarbrough-Kosel).

Lender regulation. Residential mortgage lenders can be fined up to \$25,000 (was \$5,000) for violating the Residential Mortgage License Act. The Commissioner of Banks and Real Estate can issue orders barring unsound or illegal lending practices, and can oppose a subpoena that orders disclosure of confidential information about a lending institution (S.B. 2908, Haine—Meyer).

Reverse mortgages. Providers of reverse mortgages (which allow retirees to tap equity in their homes) must act in good faith, and avoid fraudulent or deceptive acts in offering or making such mortgages (H.B. 5197, Smith-Wait-Jefferson-Saviano-McKeon et al.—Shadid-Risinger-J.Collins et al.).

Plant-Closing Notice. An Illinois Worker Adjustment and Retraining Notification (WARN) Act supplements the

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Civil Law

The General Assembly voted to protect Social Security numbers and other personal information from disclosure; extend legal protections to National Guard members called up by the President; authorize the Attorney General to investigate apparent patterns of violation of the Illinois Human Rights Act; and protect residential tenants whose landlords do not pay utility bills or make necessary repairs.

Alternative Dispute Resolution programs can be set up in Illinois Appellate Court districts if provided by Illinois Supreme Court rule. They would be funded by additional Appellate Court filing fees, and could also be funded by appropriation (S.B. 2757, Cullerton—Madigan-Hamos).

Breastfeeding. Mothers may breastfeed at any place they are authorized to be. Compliance can be required by injunction, except against places of worship and private residences (S.B. 3211, Harmon-Martinez-Hunter-Obama-J.Collins et al.—Joyce-E.Lyons-Osterman-Fritchey-Miller et al.).

Children. *Grandparent custody.* If one parent of a child dies, and at that time the surviving parent had been missing for at least 1 month, was in police custody, had been found guilty of causing bodily harm to the child or the other parent, or had violated an order protecting the deceased parent or child, a parent of the deceased parent can petition for custody of the child (H.B. 1020, Gordon-Mautino-Dugan-Yarbrough et al.—Welch-Lightford-J.Collins-Forby-Halvorson et al.).

Grandparent visitation. Standards are set for grandparents to seek visitation in some described situations (H.B. 4318, Lindner-Black-Bellock-Rose-Lang et al.—Cullerton-Lightford-J.Collins-Hunter et al.).

Standby adoption. This procedure, allowing a parent to provide in advance for a child's adoption, will no longer be limited to terminally ill parents starting next January (H.B. 6564, Currie-Fritchey-Feigenholtz-Miller-Joyce—J.Collins-Hunter-Martinez).

Support. If at least 1 month's support is still owed when a support order reaches its ending date or the child reaches majority, the unpaid amount remains as an enforceable obligation (S.B. 2690, Crotty-J.Collins-Hunter-Obama-Lightford—Lindner-Yarbrough-Colvin-L.Jones-Graham et al.).

Discrimination. *Human Rights Act.* The Attorney General can investigate apparent patterns of discrimination in violation of the Act and, if warranted, file suit against them in circuit court. The court may impose civil penalties up to \$10,000 for a first; \$25,000 for the second in 5 years; or \$50,000 for a third or additional violation in 5 years (S.B. 2878, Sandoval-J.Collins-Silverstein-Harmon et al.—Turner-Chapa LaVia-Lang-L.Jones-Kelly et al.).

Suits against governments. The Illinois Civil Rights Act of 2003, barring governments from discriminating due to race or national origin, can be enforced in federal courts in claims that are pendent to suits there. No punitive damages may be awarded under the Act (S.B. 2946, Harmon-Hunter-Meeks-J.Collins—Fritchey-Howard-Miller-M.Davis).

Fights Regulation. The Department of Professional Regulation can determine whether a planned event qualifies for an existing exemption from Department regulation as a “martial arts or kick boxing” event. But the Department can still ban any planned fight to protect contestants or spectators (S.B. 2251, DeLeo—Saviano-Millner-E.Lyons).

Identity Theft Prevention. *Drivers' licenses.* The Secretary of State may not issue drivers' licenses or Illinois Identification Cards to persons with valid foreign licenses or ID cards that



are not surrendered to the Secretary of State. Release of identifying information from licenses and cards is restricted, and prohibitions on possessing equipment for making them are expanded (H.B. 4269, Slone-Froehlich-Dunkin—Schoenberg).

Social Security number disclosure. Social Security numbers may not be disclosed to the public; printed or encoded on cards needed to obtain goods or services; included in materials mailed to holders of the numbers, unless that is required by state or federal law or other exceptions apply; required to be transmitted through non-secure Internet connections; or required for use of a Web site unless other authentication information is also required. Existing uses not complying with these restrictions can continue, but must stop if the holder of a Social Security number requests in writing. Government agencies are generally exempted from these restrictions (H.B. 4712, Morrow-L.Jones-May-M.Davis-Jefferson et al.—Obama-Link-Garrett-Walsh-J.Collins et al.).

Social Security numbers may not appear on cards used to get health coverage after 2005 (S.B. 2545, Martinez-Harmon-Trotter-J.Collins-Hunter et al.—Fritchey-Osterman-Feigenholtz-Flowers-Munson et al.).

Insurance. *Nonprofit pools.* A group of charitable organizations can form a “nonprofit risk organization” to pool their legal risks (except from medical malpractice) and help with loss control. Such organizations can be authorized by

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Civil Law *(continued from p. 5)*

the Department of Insurance to write property-casualty insurance for their members, and will be exempt from state income tax (H.B. 393, Mautino-Parke-Slone-J.Lyons-Holbrook—DeLeo).

Landlord-Tenant Law. Repairs. If a residential apartment (except in owner-occupied property of up to 6 units, or some nonprofit housing) needs repairs to comply with the lease or with legal requirements, the tenant can notify the landlord of the problem; if the landlord does not make the repairs, the tenant can have them done by an unrelated repairer and deduct the reasonable cost from the rent (S.B. 2988, J.Collins-del Valle-Harmon-Lightford-Martinez et al.—L.Jones-Yarbrough-Kelly-Graham-Dunkin et al.).

Utilities. If an owner of rental property having a duty to pay its utility bills fails to do so, tenants can cancel their leases (H.B. 4856, Morrow—J.Collins).

Business & Economic Development

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federal WARN Act, covering employers of at least 75 (instead of 100) persons. Affected employers must generally provide 60 days' notice before major layoffs (S.B. 2665, Ronen-J.Collins-Sandoval—Howard-Boland-Washington-Slone-Soto et al.).

Small Employers. Health insurance. The Comprehensive Health Insurance Board will study the feasibility of a health insurance pool for employers of 1-50 people and report by next January (H.B. 4478, May-Jakobsson-Bailey-M.Davis-Krause et al.—Garrett-J.Sullivan-Forby).

Jobs tax credit. The existing credit for creating jobs is extended to firms investing as little as \$1 million to create as few as 5 new jobs, if they have no more than 100 employees (H.B. 4285, Kelly-Miller-Sacia-W.Davis-Delgado et al.—Halvorson-Obama).

National Guard Service. The law protecting persons in military service against job loss and debt collectors is expanded to cover National Guard members called to service by the President (now only by the Governor) (H.B. 4372, Chapa LaVia-Moffitt-Franks-McAuliffe-J.Watson et al.—Walsh-Viverito et al.).

Obesity Suits. Suits against food sellers for causing eaters to become obese or unhealthy are barred (H.B. 3981, Fritchey-Cross-E.Lyons-Miller-Dunkin et al.—Cullerton-Dillard-Syverson).

Open Meetings. Public bodies must keep minutes of their closed (added to open) meetings, but no longer must review recordings of closed meetings when determining whether they should be disclosed. In a civil action to enforce the Open Meetings Act, the judge must examine recordings of closed meetings in chambers if deemed necessary to determine whether a violation of the

Act has occurred (H.B. 4247, Black-Mathias-Currie-Millner-Fritchey et al.—Righter-Halvorson-Obama-Roskam et al.).

Surrogate Motherhood contracts made after next January 1 will be governed by a new act. They must be made in writing before any related medical procedures (other than evaluations of persons for eligibility). Neither a surrogate mother nor her husband will be deemed a legal parent of a child born under a contract complying with the act; the intended receiving parent(s) will get all parental rights at birth. Their breach of contract will not relieve them of the duty to support the child. The Illinois Department of Public Health can adopt rules on evaluating prospective parties to such contracts (H.B. 4962, Currie-Hamos-Black—Cullerton). □

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Set-asides. The limits on annual sales volume for businesses seeking to qualify for set-asides are raised from \$7,500,000 to \$10,000,000 for a wholesale, and from \$1,500,000 to \$6,000,000 for a retail business (H.B. 4947, Miller-Yarbrough-Colvin-Giles-Franks et al.—DeLeo-Schoenberg).

Telephone Cards. Starting July 2005, providers of prepaid calling service must be certified in advance by the Illinois Commerce Commission, which will regulate that business. Charges for domestic and international calls must be disclosed to buyers, and a toll-free number available for questions (S.B. 2731, Sandoval-Martinez-Viverito et al.—Delgado-Fritchey-Osterman-Joyce-Mendoza et al.).

Utilities & Consumers. The Illinois Commerce Commission is to cooperate with the Attorney General and state's attorneys in enforcing consumer protection laws, including providing records and materials at their request (S.B. 2907,

Maloney-J.Collins et al.—Joyce-Gordon-Flider-Kelly et al.).

Web Site for Business. The Department of Commerce and Economic Opportunity must establish and advertise a Web site to connect Illinois producers with buyers (H.B. 4227, J.Watson-Bassi-Pritchard-Meyer-Rose et al.—Halvorson et al.).

Western Illinois Development. A Western Illinois Economic Development Authority is created in 13 western Illinois counties. It can issue up to \$250 million in revenue bonds; buy or build transportation facilities, including airports; develop or aid commercial projects; and designate one enterprise zone in its territory. The Tri-City Regional Port District in Madison County can redevelop a former military base, including setting up a telephone system for tenants there (S.B. 1914, J.Sullivan-Welch et al.—Holbrook-Tenhouse-Hoffman-Smith-Myers et al.). □

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Criminal Law

Legislators passed bills to improve processing of DNA evidence for sex crimes, raise the penalties for such crimes, and tighten the management of sex offenders. Other bills strengthen requirements to report car or boating accidents; increase penalties for operating illegal drug labs if others are harmed by them; change some practices in death-penalty appeals; and expand the crime of witness tampering to protect potential witnesses who did not need to testify. Restrictions were put on cigarette retailers and wholesalers to prevent sales to minors.

Accident Reporting. Automobiles. A driver involved in an accident causing death or personal injury, who failed to stop at the scene, must report it to police within 1/2 hour (shortened from 1 hour) afterward. Failure to stop at the scene is raised from a Class A misdemeanor to a Class 4 felony, and failure to report afterward is raised from a Class 4 to a Class 3 felony (H.B. 4027, Delgado-Graham-Joyce-Berrios-Froehlich et al. — Martinez-del Valle-J.Collins-D.Sullivan et al.).

Boats. A boater who recklessly causes great bodily harm or permanent disability or disfigurement commits a Class 4 felony. If a boating accident causes death or personal injury, a boater's failure to stop, aid others involved, and provide identification will be a Class A misdemeanor. Any boater failing to stop must report the accident to police within 1 hour after becoming able to do so. Violation will be a Class 4 felony unless the accident caused injury or death, in which case it will be a Class 2 felony punishable by 3-14 years in prison. A person convicted of recklessly operating a boat or failing to report an accident will lose boating privileges for at least 1 year (S.B. 2164, Althoff-Geo-Karis-Hunter-J.Collins — Franks-E.Sullivan-Chapa LaVia-Froehlich-Mathias et al.).

Arsonist Registration. Persons found guilty of arson committed after 2004, and who live, work, or attend school in Chicago, must register annually with police. When the Illinois Citizens and Law Enforcement Analysis and Reporting System (I-CLEAR) is operating

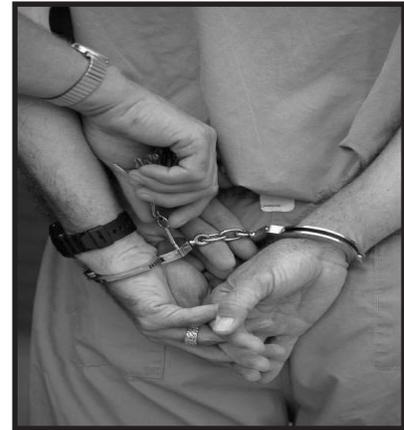
statewide, all such persons in the state must register (H.B. 4426, McAuliffe-Holbrook-Aguilar-Moffitt-Boland et al. — DeLeo-Haine et al.).

Cable Tampering to disrupt service to others becomes a Class 4 felony (S.B. 2337, Cullerton-J.Collins — Granberg-Bailey-Sacia-May et al.).

Cigarettes and Minors. Retailing. Single packs may be sold only from behind a counter; from a sealed case; in an area where minors are barred without a parent; or from vending machines visible to store employees (H.B. 4302, Yarbrough-Coulson-Washington-Ryg-Dunkin et al. — Meeks-J.Collins-Maloney-Garrett-Walsh).

Shipping. Persons in the business of selling cigarettes are prohibited from shipping them unless they go (1) to or from licensed distributors, or (2) to export warehouses. A carrier may not deliver over 1,000 cigarettes at a time without a reasonable belief that they came from or are going to a licensed distributor. Before delivering any cigarettes to an individual, a carrier must see official identification showing the recipient to be at least 18. Violations can bring civil and criminal penalties (S.B. 2148, Silverstein-J.Collins-Obama-Walsh-Trotter-Maloney et al. — Nekritz-Bailey-Mathias-Yarbrough-Cultra et al.).

Cross Burning. Burning a cross to cause fear of physical injury or property damage becomes a Class A misdemeanor for a first offense, or a Class 4 felony for a repeat offense (H.B. 3893,



Franks-M.Davis-Bailey-Flowers et al. — J.Collins-Rutherford-Silverstein-Hunter et al.).

Domestic Battery. The minimum sentence for a repeat offense is increased from 48 hours to 72 hours in jail, and any prior offense (not only those in the last 5 years) will count (H.B. 4287, Poe-Berrios-Mendoza-Franks-Chapa LaVia et al. — Lightford-J.Collins-Martinez).

Drivers' Licenses. Bribery to get a driver's license, or taking a bribe for that purpose, becomes a Class 2 felony. Anyone attempting such bribery cannot get a driver's license for 120 days (S.B. 2167, Welch-Martinez-Obama-J.Sullivan-Halvorson et al. — Gordon-Froehlich-Dunkin-Bailey-Sacia et al.).

Counterfeiters. Having or using devices to make or authenticate Illinois drivers' licenses becomes a Class 4 felony. Doing the same for Illinois Identification Cards becomes a Class A misdemeanor (H.B. 719, S.Davis-Brauer-Hoffman-Millner et al. — Shadid).

Eligibility. A person convicted of aggravated DUI that caused death may not be relicensed for 2 years after release. A license may be immediately suspended for violating the requirement to stay one lane away from highway workers where possible. A graduated driver's license may not be issued to a person under age 16 (H.B. 4403, Jefferson-Soto-Colvin-McAuliffe et al. — Halvorson-J.Collins).

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Criminal Law

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Driving Offenses. DUI. Penalties for driving after a license is revoked due to a DUI conviction will be added to any penalties for a later DUI violation. Penalties for some DUI violations are increased. Court-ordered participation in rehabilitation or education programs cannot be the only disposition for DUI (S.B. 2124, Cullerton-Hunter—Rose-Joyce-D.Brady-Mathias-Froehlich et al.).

“Hill-hopping.” Intentionally driving over a raised area of roadway fast enough to make the vehicle leave the ground becomes reckless driving. If anyone is killed, the crime will be reckless homicide, a Class 3 felony. If two or more are killed, it will be a Class 2 felony (H.B. 4006, Eddy-Washington-D.Brady et al.—Righter-J.Jones-Haine).

Maintenance zone offenses. Exceeding the posted speed limit in a highway construction zone will bring a minimum fine of \$375 for a first and \$1,000 for a repeat offense. A repeat conviction in 2 years can bring a 90-day license suspension (H.B. 7015, Verschoore-Froehlich-Boland-Mathias-Fritchey et al.—Jacobs-Crotty et al.).

A minimum \$100 fine is required for the existing offense of not staying at least a lane away from construction crews if possible. But persons charged with that offense (or the same offense involving stopped emergency vehicles) need not go to court to plead guilty (S.B. 2502, Cullerton—Froehlich-Mathias-Gordon-Flider et al.).

Drug Courts. Persons admitted to a drug court program can be sentenced to a combination of confinement and probation. Such a combination cannot exceed the maximum term allowed for the crime under the Unified Code of Corrections (S.B. 2654, Cullerton et al.—Lindner et al.).

Drug Labs. Child abuse. Proof that a child was in a building or vehicle in which a parent or guardian was making methamphetamine constitutes prima facie evidence of child abuse and neglect (H.B. 7043, Rose-Eddy-Sacia-Black-Moffitt et al.—Righter-Althoff-Munoz-J.Collins-Martinez, **vetoed**; S.B. 2447, Righter-Winkel-Althoff-Rauschenberger-Radogno et al.—Rose-Eddy-Granberg-Grunloh-Flider et al.).

Fires. Damaging another’s property by fire or explosion from illegal drugmaking becomes a Class 1 felony. If the offender knew that someone was in the building; the building is a home; or anyone is injured, the crime will be a Class X felony (H.B. 3882, Dugan-Eddy-Gordon-Flider-Bailey et al.—Haine-Shadid-Munoz et al.).

Meth-making chemicals. Stores that sell over-the-counter medicines containing ephedrine or pseudoephedrine must follow detailed requirements for their packaging, shelf placement, and sale procedures (S.B. 2244, Haine-Hunter-Sieben-Forby-J.Sullivan et al.—J.Bradley-D.Brady-Phelps-Rose-Flider et al.).

Drug-Test Fraud. Making, having, or providing substances for cheating on drug or alcohol screening tests, or attempting to defeat such tests, becomes a Class 4 felony with a minimum \$1,000 fine (H.B. 3978, Eddy et al.—Righter).

Firearms. Crimes. Unauthorized possession of a weapon by a felon, or aggravated unlawful use of a weapon, become a Class X felony if done while wearing or possessing body armor. Transferring a firearm to a person not displaying a Firearm Owner’s Identification Card becomes a Class 4 felony (Class 1 for a third or later offense); and that crime (along with unlawfully buying a weapon, and removing a firearm’s serial number or possessing a firearm with its serial number removed) can be prosecuted for 6 years. Gunrunning is raised to a Class X felony, punishable by 8-40 years if 11

to 20 guns are involved, and by 10-50 years if over 20 are involved (H.B. 4949, Acevedo-Delgado-Soto-Millner-Sacia et al.—Munoz-Martinez-J.Collins et al.).

Defensive use. A person charged under a municipal ordinance that restricts firearm ownership can raise as a defense that the firearm was used to defend its user or another at the user’s property, residence, or fixed place of business (S.B. 2165, Petka-Shadid-Wojcik et al.—J.Bradley-Gordon-Flider-Joyce-Boland et al.), **vetoed**.

Gang Recruiting. A new crime of criminal street gang recruitment on school grounds or adjoining public property is created, consisting of threatening to use force to induce someone to join or stay in a gang. Violation will be a Class 1 felony (H.B. 4788, Aguilar-Berrios-Osterman-Chapa LaVia-Mendoza et al.—Munoz-J.Collins-Hunter-Dillard-Martinez et al.).

Hate Crimes. School administration buildings and dormitories are added to the places where a hate crime is a Class 3 rather than a Class 4 felony (H.B. 4506, Lang-Franks-Mathias-Feigenholtz et al.—Silverstein-Obama).

Homicide Concealment; Dismemberment. Anyone convicted of concealing a homicidal death or dismembering a human body plus any other crime(s) must get consecutive sentences for them (H.B. 4032, Rita-Osterman-Gordon-Rose-Howard et al.—Obama-E.Jones et al.).

Housing Management. A new crime of aggravated criminal housing management is committed if a housing manager allows the condition of a residence to endanger health; someone dies as a result; and the manager tries to conceal the condition that contributed to the death (H.B. 2582, Mendoza-Wait-Bailey-Millner-Burke et al.—Munoz-D.Sullivan-J.Collins).

Juvenile Records. At age 17, a person can seek expunction of juvenile adjudications for any crimes less than Class A misdemeanors (now only for Class

B misdemeanors). Courts and juvenile officers must inform juveniles of these rights and provide forms to apply for expunction. Prosecutors and the State Police (now only state's attorneys) must be told of and can oppose expunction petitions in court. The State Appellate Defender must help juveniles seek expunction. Expunged records cannot be used in hiring or licensing (except by police, prosecutors, and the Department of Corrections); and applicants may not be asked whether they have such records (H.B. 4566, L.Jones-A.Collins-Howard-Turner-Morrow et al.—J.Collins-Hunter-Lightford-Trotter-Meeks et al.).

Laboratory Oversight. An Illinois Laboratory Advisory Committee is created, to study the use of lab findings as evidence in court; comment on proposed new state laboratories; and annually report to the Governor, General Assembly, and Supreme Court (S.B. 2201, Cullerton-Hunter—Colvin-D.Brady-R.Bradley-Millner-M.Davis et al.).

Licensing. Certificates of relief from disabilities may be issued to released prisoners seeking licensing or certification as engineers, water well and pump installation contractors, and electrologists (added to occupations or professions already listed) (S.B. 948, Lightford-Meeks-J.Collins-Hunter—Turner-Yarbrough-Colvin-Graham).

Movie Piracy. Recording a movie at a theater without consent of management and the movie licensor becomes a Class 4 felony. An owner who notifies police of alleged recording will not be civilly liable for reasonable actions taken to apprehend and hold an apparent violator (S.B. 2134, Cullerton-Petka et al.—Delgado-Bailey et al.).

Murderers. Appeals. The Capital Litigation Trust Fund can be used partly to pay expenses of post-conviction proceedings and petitions for relief from judgments in capital cases. A defendant not appealing directly must ordinarily

file a post-conviction petition within 3 years after conviction (H.B. 578, Turner-O'Brien-Currie—Cullerton).

Registration as sex offenders. A provision exempting a person who murdered a minor before June 1996 from registering as a sex offender will not apply to murderers still in prison when this bill becomes law (H.B. 6811, Bailey-Delgado-Lindner-L.Jones-Rose et al.—Clayborne-J.Collins-Dillard-Martinez et al.).

Sentencing. A finding that a first-degree murder was “exceptionally brutal or heinous . . .” can support an extended sentence, as an alternative to life without parole (H.B. 4790, Aguilar-Berrios-Chapa LaVia-Mendoza et al.—Dillard-Munoz).

Privacy Violations. The crime of videotaping or photographing a person without consent in a restroom, tanning bed or salon, locker room, changing room, or hotel bedroom is broadened to include any nonconsensual capturing of images of persons there. New crimes include placing devices in such places to capture images (Class A misdemeanor) and distributing images so obtained (Class 3 felony). Penalties are higher if a victim is under 18 or a violator was required to register as a sex offender (H.B. 4275, Millner-Ryg-Mathias-Froehlich-Jakobsson et al.—Harmon-Silverstein-Dillard-J.Collins-Schoenberg).

Protective Orders. A court may appoint counsel for a petitioner seeking a protective order if the other party has counsel. Kinds of injunctive relief allowed in civil no-contact orders are expanded to any necessary or appropriate relief. The court must issue such an order on an emergency basis if a petition sufficiently indicates nonconsensual sexual contact by the respondent. A respondent who was not notified before the hearing, and claims a meritorious defense, can petition to reopen an emergency

civil no-contact order (H.B. 4395, Fritchey-Bailey-Chapa LaVia-Mendoza et al.—Obama-Harmon-J.Collins-Lightford et al.).

Reckless Conduct. A more severe form of this crime is created, consisting of reckless behavior that causes great bodily harm or permanent disability or disfigurement (a Class 4 felony) (H.B. 4751, Dunn-Millner-Chapa LaVia-Pihos et al.—Dillard).

Self-Defense. Use of force to defend a person or property against an aggressor cannot result in civil liability to or on behalf of the aggressor, unless the defender committed willful or wanton misconduct (S.B. 2386, Shadid-De-muzio-Haine-Petka et al.—Mathias-Froehlich-Washington-Joyce et al.).

Sex Crimes. Child sex offender as photographer. A person who is a “child sex offender” under section 11-9.3 of the Criminal Code, and operates a business that takes images of children electronically or on film, will commit a Class 2 felony (H.B. 4135, Parke-Berrios-Grunloh et al.—J.Collins-Hunter).

Credit for jail time. Persons jailed for bailable offenses who do not make bail cannot get the credit of \$5 per day toward any fine imposed if the jailing was for sexual assault. The list of crimes that constitute sexual assault for this purpose is expanded to include sexual exploitation of a child and ritualized abuse of a child (H.B. 5061, Mendoza-Berrios-Chapa LaVia-E.Lyons-Sacia et al.—Martinez-J.Collins-Hunter).

DNA processing. Genetic evidence collected from sexual assault crimes must be compared to genetic profiles kept by the Department of State Police and FBI if its quantity and quality meet their requirements. If staff and resources are sufficient, all sexual assault evidence collected before 2005 must be analyzed within 2 years after receipt by the State Police lab, and evidence collected after

(continued on p. 12)

Education

Elementary & Secondary

The General Assembly voted to raise the “foundation” level of funding per student by \$250 for the school year just ended and \$154 more in the current year; allow the Governor to replace most members of the State Board of Education; raise the mandatory school attendance age 1 year to 17; make grants to improve achievement, reduce class sizes, help districts with rapid enrollment growth, and train teachers for hard-to-fill positions; and do more thorough background checks on applicants for school employment.

Achievement Exam. Students cannot graduate from high school without taking the Prairie State Achievement Exam unless their individual educational programs say it is inappropriate, they lack English proficiency, or they are in continuing education programs (S.B. 2769, del Valle-Lightford—Soto-Delgado-Yarborough-Acevedo).

Attendance Requirements. The age until which children must ordinarily attend school is raised from 16 to 17. Children found truant after three notices to parents and a hearing must do 20 to 40 hours of community service. Schools can create graduation incentive programs for dropouts and persistent truants up to age 18 (S.B. 2918, del Valle-Lightford-Munoz-Martinez et al.—Delgado-Flider-Boland-M.Davis-R.Bradley et al.).

Charter Schools. The State Board of Education can designate attendance boundaries for up to one-third of Chicago’s charter schools to reduce crowding or better serve low-income or at-risk students (H.B. 5562, L.Jones-A.Collins-Turner-Dunkin-Giles—J.Collins).

Employee Criminal Checks. School districts or regional superintendents must submit job applicants’ fingerprints and other identifiers to the Department of State Police for criminal history checks, which must include complete criminal histories (instead of only 7 years of felony conviction records). The State Superintendent of Education will reimburse districts and regional superintendents for these checks if money is appropriated (H.B. 3977, Gordon-Fritchey-W.Davis-Dunkin-Holbrook et al.—Haine et al.).

Expulsion. A school can exclude for one semester a student who is at least age 16 and, despite a notice and offered help, has a “D” or worse average, or is truant at least 20% of days, for two semesters. The age above which schools can deny re-enrollment to a dropout who could not graduate by age 21 due to lack of credits is raised from 16 to 19 (S.B. 2115, del Valle-Meeks-Obama-Lightford-J.Collins et al.—Delgado-Boland-Bellock).

Grant Programs. *Achievement.* If money is appropriated, the State Board will make 2-year grants to districts on its academic watch list and others with low-achieving students to raise achievement. A district must design an accountability program to be eligible, and must meet achievement goals for renewal (S.B. 2360, Lightford-J.Collins-Crotty-Hunter—Froehlich-Yarborough-Howard-Mathias-Turner et al.).

Class size. If money is appropriated, the State Board can make grants to schools on its academic warning or watch list to reduce average class size in kindergarten through 3rd grade to 20—or to add teacher aides if a school lacks space for such class sizes (S.B. 2135, Garrett-J.Collins-Lightford et al.—M.Davis-Moffitt-J.Mitchell-Flowers-Smith et al.).

Fast growth. If money is appropriated, grants will be made to districts with over 10,000 students in average daily attendance whose enrollments rose over 1.5%, and those with up to 10,000 students whose enrollments rose over 7.5%, in the past two school years (H.B. 766, Munson-Churchill-Lindner-Osmond-Schmitz et al.—Walsh-Harmon-Althoff et al.).



Health Insurance; Certification; School Construction. The retired teachers’ health insurance program is made permanent. State subsidies, employer and employee contributions, and limits on premium increases are set for future fiscal years. The Governor will appoint a committee to make recommendations regarding the program.

Teacher candidates who have passed relevant subject-matter tests and been certified in other states need not take tests of basic skills or subject matter to be certified here. Various changes are made in requirements for initial, standard, and master certificates, including continuing professional development requirements.

The State Board of Education and Capital Development Board cannot materially change their standards for priority of school construction projects, or for supervising those projects, without statutory authorization. Districts can choose project architects and engineers (S.B. 1553, del Valle-E.Jones-Lightford-Viverito-Trotter et al.—Madigan-Currie-Cross-Smith-Soto et al.).

Laptop Learning Experiment. If money is appropriated, the State Board can allocate up to \$10 million for a 3-year pilot project in which students, teachers, and some administrators in seven districts get wireless laptop computers (S.B. 2732, E.Jones-Cronin-Lightford—Smith-Howard-J.Watson-Giles-Krause et al.; H.B. 4944, Smith-Giles-J.Watson-Flowers-Krause et al.—Demuzio-Cronin).

Military Children living temporarily outside a district, who will live in it within 60 days after enrollment, cannot be charged nonresident tuition, and can count toward the district's general state aid (S.B. 2444, Clayborne-Obama—Holbrook-Stephens et al.).

State Board Changes; Drug Benefit. The terms of seven of the nine members of the State Board of Education are ended. The Governor will fill their vacancies and any others during his term, and can remove a member for incompetence, neglect of duty, or malfeasance. The Board will appoint a new State Superintendent of Education (who can be proposed by the Governor) when the current Superintendent's contract ends or is bought out, and after new Board appointments are made at the start of a gubernatorial term. Future Superintendents' contracts must expire in 2007 and every fourth year afterward, and can be terminated for cause. After its new members are chosen, the Board must review its rules to improve efficiency, and create several functional divisions. The Board must also develop a continuing 5-year strategic plan for elementary and secondary education, addressing specified topics. The Board must create an education buying program and become, or designate another entity as, an entity to contract with vendors and offer buying and pricing information to school districts. The Department of Central Management Services will offer school districts a prescription drug benefit program for employees, retirees, and dependents (S.B. 3000, del Valle-Ronen-Dillard-Hunter-J.Collins et al.—Giles-M.Davis-Kosel-J.Mitchell-Eddy et al.).

Teacher Shortages. *Grant use.* A school district with either an overall shortage of "highly qualified" teachers or a lack of such teachers in math, science, reading, or special education must use at least 40% of its Title 2 grants under No Child Left Behind to recruit and keep such teachers (H.B. 6906, J.Mitchell—Schoenberg).

New program. If money is appropriated, the State Board must make grants to educational consortia to fund teacher preparation programs designed to prepare students to teach in hard-to-staff schools

or positions. Participants can get loans repayable by teaching 5 years in such schools or positions (S.B. 1550, Martinez-del Valle-J.Collins-Dillard-Hunter et al.—Colvin-Osterman-Froehlich-Yarborough-May et al.).

Testing; State Aid. In 2004-05 the State Board must test at least (1) grades 3, 5, and 8 in English and math, and (2) grades 4 and 7 in the sciences. By 2005-06 the Board must test each of grades 3-8 in reading and math, and 4th and 7th in the sciences. The other subjects are dropped from the testing schedule. For districts getting lower state payments in fiscal year 2005 than fiscal 2004, the State Board will make up the difference. The foundation level of funding per student is raised from \$4,560 in 2002-2003 to \$4,810 in 2003-2004 and \$4,964 in 2004-2005 (the latter overriding a different level in H.B. 4266). All money in the National Guard Grant Fund is to be used by the Illinois Student Assistance Commission instead of the Department of Military Affairs (S.B. 2205, del Valle-Hunter—Cross-Madigan-Currie-Beaubien-Hannig).

Transfers. The State Board must have a system to keep track of transfer students. If a student withdraws from a school, the district must report that as a dropout unless, within 150 days, another school gives notice of enrollment there (S.B. 3109, del Valle-Lightford-Munoz-Hunter-J.Collins et al.—R.Bradley-M.Davis et al.).

Higher Education

The General Assembly voted to authorize teaching assistants to unionize; put sprinklers in all dormitories in 4-year colleges by 2013; expand tuition aid for military families; and limit some benefits of college savings plans.

Graduate Assistants (except those whose duties are primarily in research or "pre-professional" activities) can form and join

unions (S.B. 1070, Ronen—Jakobsson-Rita-Verschoore-Boland).

MIA/POW Scholarships. Illinois National Guard members on active duty or active training who become missing in action or prisoners of war are added to the persons whose dependents can get MIA/POW scholarships at Illinois public colleges and universities (H.B. 4491, Stephens-Chapa LaVia-J.Watson-Bost-McAuliffe et al.—Jacobs-Obama et al.).

Sprinkler Systems. If a low-interest loan program for this purpose is set up, all 4-year public and private colleges and universities must have dormitory fire sprinkler systems by 2013 (H.B. 4361, Burke-Moffitt-Smith-Slone-D.Brady et al.—Walsh-Schoenberg).

Tuition Costs. *College savings.* Provisions barring the Illinois Student Assistance Commission, and Illinois colleges, from counting amounts saved in various college-savings plans as assets of a student for aid purposes are repealed. Starting next year, contributions (but not rollovers) to a College Savings Pool account or the Illinois Prepaid Tuition Trust Fund become taxable beyond \$10,000 per tax year (H.B. 4914, Joyce-Dugan-Grunloh-Black et al.—Clayborne-Maloney-J.Collins-Lauzen et al.).

Grants. Monetary Award Program (MAP) grants are limited to the current \$4,968 per academic year—whether classes are taken full-time, part-time, and/or in the summer. MAP grants will end after a student receives grants for 135 semester hours (changed from 10 semesters or 15 quarters) (S.B. 1971, Welch-Crotty et al.—Madigan-McCarthy-Mendoza-Howard-D.Brady et al.).

Military scholarships. Persons on active military duty stationed in Illinois, and their dependents, will qualify for in-state tuition at public universities (H.B. 3877, D.Brady-Grunloh-Dugan-Smith-Pritchard et al.—B.Brady-J.Collins-Forby-J.Sullivan et al.). □

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Criminal Law

(continued from p. 9)

2004 must be analyzed within 1 year (H.B. 4424, Osterman-Bailey-Gordon-Dugan-Grunloh et al.—J.Collins-Obama-Lightford).

Starting in 2005 the Department of State Police must report annually on how many cases await DNA analysis, and what it has done to reduce their number (S.B. 3014, Dillard-Harmon-Hunter et al.—Bellock-Boland-Gordon-Coulson-E.Lyons et al.).

Juvenile pimping becomes aggravated juvenile pimping, a Class X felony, if the subject of the crime is under 13 (H.B. 6902, Rose-Aguilar-Bailey-Saviano-E.Lyons et al.—Righter-J.Collins).

Limitations period. If a victim of a sex crime is murdered in the course of the crime or within 2 years afterward, and the offender’s DNA is stored within 10 years but the offender is not yet identified, the sex crime can be prosecuted at any future time (H.B. 4063, Fritchey-Black-Miller-Gordon-Flider et al.—Harmon-Munoz-Sandoval-J.Collins-Dillard).

‘Marital rape.’ A provision saying a serious sex crime allegedly committed by the victim’s spouse can be prosecuted only if the victim reported it to police within 30 days is deleted (H.B. 4771, Dugan-Berrios-Bailey-Acevedo et al.—Halvorson-Martinez-J.Collins-Crotty-Harmon et al.).

Offender management. Evaluations of whether a person is sexually violent need not be done by evaluators approved by the Sex Offender Management Board or using the Board’s standards. Only felony sex offenders being considered for probation must have pre-sentence reports. A felony sex offender seeking probation must complete a Board-approved sex offender treatment program. The court can require any sex offender given probation to have no contact with specified persons and to submit

to evaluations and treatment programs. The court can assess fees for evaluating, treating, and monitoring felony sex offenders, based on ability to pay (H.B. 7057, R.Bradley-Graham-Jakobsson—Harmon-J.Collins-Martinez).

Offender registration. Each registered sex offender must provide a current photograph annually. A sex offender not complying with the Sex Offender Registration Act can be held by police for return to a correctional facility. Sex offenders who are reconfined for parole violations or other events related to their original convictions, or who violate the Act, must register for 10 additional years. When a sex offender is released from prison, its warden must notify the police where the offender planned to live; if the offender has not registered there, revocation proceedings are to begin immediately (S.B. 2607, Dillard-J.Sullivan-Forby-Garrett-Welch et al.—Delgado-E.Sullivan-Gordon-Ryg-Dugan et al.).

Offender treatment. The Department of Human Services need only report to the court (rather than conduct an examination) of a sex offender’s mental condition within 6 months after commitment and at least yearly thereafter. The Department must attempt to notify specified persons, and the Department of Corrections, if a sexually violent person escapes, dies, or has a change in custody status (S.B. 3166, Silverstein-Link-Trotter-Hendon-Hunter et al.—Delgado-Fritchey-Coulson-Washington et al.).

Released offenders may be required by the Prisoner Review Board to do any or all of the following: live only at places approved by the Department of Corrections; be electronically monitored for 1 year or more after release; notify “third parties” of the risks of their criminal records; get Department consent to take a job or vocational training; provide a daily log of activities to the Department; avoid employment or volunteer activities bringing contact with children; not possess sexually oriented materials or

visit such businesses; and contact or communicate with minors only with Department permission (H.B. 6786, Gordon-Hoffman-J.Bradley-E.Lyons-Brosnahan et al.—J.Collins-Maloney-Harmon-Martinez et al.).

Shelter funding. The additional fine on a person who commits sexual assault, or any of a large number of crimes against family or household members, to help fund shelters is doubled to \$200 (H.B. 4288, Poe-Osterman-Berrios-Chapa LaVia-Mendoza et al.—J.Collins-Althoff).

Sports Officials. *Assault.* Assaulting a sports referee or coach at or near an athletic facility becomes aggravated assault, a Class A misdemeanor (H.B. 4023, Froehlich-Joyce-Brosnahan-Parke-Mathias et al.—Maloney-Haine-Crotty-Hunter-J.Collins).

Battery. Battering a sports referee or coach at or near an athletic facility will bring a minimum fine of \$1,000 for a first offense or \$2,000 for a repeat offense (H.B. 4120, Mathias-Froehlich-Boland et al.—Maloney-Hunter-J.Collins et al.). (A similar bill passed in 2001 was vetoed.)

Victim Statements. Grandparents are added to the list of relatives of violent crime victims who can offer impact statements in court. The court can decide how many such statements to hear. All written victim statements must be considered by the court (H.B. 4777, Berrios-Aguilar-Rose-Mendoza et al.—Martinez-J.Collins).

Witness Harassment. The crime of harassing witnesses and their families is expanded to protect persons who were expected to testify but did not due to a dismissal or guilty plea (H.B. 4538, Bailey-Delgado-Gordon-Acevedo et al.—J.Collins). □

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Environment & Conservation

The General Assembly voted to consolidate Cook County stormwater and flood control in the Metropolitan Water Reclamation District; require a statewide building code to conserve energy in nonresidential buildings; and open more public lands to hunting and off-road motorized recreation.

Building Energy Code. The Capital Development Board, consulting with the Department of Commerce and Economic Opportunity, will issue a code for energy efficiency of all buildings in the state except smaller residential buildings, effective 1 year after issuance. It will be based on existing national and international codes, and will apply to renovation and new construction (H.B. 4099, Hamos-E.Lyons-Osterman-Morrow-Fritchey et al. — Jacobs-Link-Peterson-Sieben-Radogno et al.).

Construction Debris. Sites in zoned areas that take uncontaminated broken concrete for processing, keep it no more than 1 year, and return it for economic use will not be treated as “pollution control facilities” under the Environmental Protection Act (S.B. 2145, Jacobs-Hunter — Tenhouse-Holbrook-Meyer-Reitz-Verschoore et al.).

Deer. Dogs may be used to track wounded deer, in limited conditions (S.B. 2457, Sieben et al. — Reitz et al.).

Hunting on Public Lands. DNR-managed lands must be open to hunting, with some exceptions. The Department must seek to avoid reducing total public lands open for hunting, and report annually on acres opened and closed to hunting (S.B. 2156, J.Jones-Forby — Grunloh-J.Bradley-Phelps-Dugan-Gordon et al.).

Mercury Reduction. Schools may not buy products containing mercury (with some exceptions) for classroom use after June 2005. Switches and relays containing mercury may not be sold in

Illinois after June 2007 (with exceptions). Device makers can seek temporary exemptions if their devices have a net public benefit and there are systems for collecting and processing used ones. The EPA must report by January 2005 on programs to recycle mercury, and propose regulations for treating devices containing mercury as universal waste (S.B. 2551, Hunter-Trotter-Silverstein-Garrett et al. — May-Froehlich-Ryg-Leitch-Flowers et al.).

Stormwater Management. The Metropolitan Water Reclamation District of Greater Chicago will supervise stormwater (including flood) management throughout Cook County, and plan and fund stormwater management projects. It can seek dissolution of any drainage district within its territory; form new stormwater management planning councils for watersheds in addition to the present six; contract with other counties and local governments for stormwater management works; control the flow of stormwater in Cook County by ordinance; sell bonds to fund stormwater management projects; impose a tax of 5¢ per \$100 of assessed value in its area; and impose development fees in Cook County outside its area to deal with water runoff. Cook County municipalities except Chicago cannot regulate stormwater management inconsistently with the District’s rules, and Chicago may not regulate it inconsistently with the District’s powers. The district must hold at least one public hearing on a countywide stormwater management plan, and periodically report to the



public (S.B. 2196, Garrett-Cullerton-Sandoval — Nekritz-J.Lyons-Capparelli-Saviano-Lang et al.), **vetoed**.

Trails. The Department of Natural Resources (DNR) will no longer be barred from using the Off-Highway Vehicle Trails Fund to make trails for motorized vehicles on land not in a nature preserve or listed in a report under the Illinois Natural Areas Preservation Act (S.B. 2272, Jacobs — Black-Froehlich-Joyce et al.), **vetoed**. DNR must use at least 92% (now 60%) of money in the Fund to support motorized recreation (S.B. 2273, Forby et al. — Froehlich-Phelps-Bost-Boland et al.), **vetoed**. □

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Grant Alerts

Grant Alerts is a monthly publication, updated bi-weekly on the LRU website at:
http://www.legis.state.il.us/commission/lru/lru_home.html, containing grant notices excerpted from the *Federal Register*.

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 mid-September is the Public Act number or other indication of his action. AV means amendatorily vetoed.

Information on all 2004 bills and Public Acts, including their texts, is available at: <http://www.legis.state.il.us>
Click on the [Bills & Resolutions](#) or [Public Acts](#) link near the top of the page for information on a given bill or Public Act.

H.B.	Action	H.B.	Action	H.B.	Action	S.B.	Action	S.B.	Action
307	93-892	4285	93-882	5061	93-699	2201	93-784	2769	93-857
393	93-918	4287	93-809	5157	93-776	2205	93-838	2791	
486	93-981	4288	93-810	5164	93-829	2206	93-839	2794	93-1015
578	93-972	4302	93-886	5165	93-813	2207	93-840	2820	93-778
600	93-654	4310	93-736	5197	93-863	2208	93-841	2830	Vetoed
629	93-847	4318	93-911	5207	93-731	2213	93-680	2845	93-929
714	93-1033	4361	93-887	5562	93-861	2238	93-762	2847	Vetoed
718	93-982	4372	93-822	6564	93-732	2244	93-1008	2858	93-1016
719	93-667	4393	93-896	6648	93-721	2251	93-978	2878	93-1017
720	93-1023	4395	93-811	6706	93-864	2254	93-999	2879	93-734
766		4403	93-788	6786	93-865	2272	Vetoed	2880	93-1031
826	AV	4424	93-781	6811	93-977	2273	Vetoed	2887	93-957
953	93-674	4426	93-949	6902	93-696	2287		2901	93-945
1020	93-1026	4450	93-950	6906	93-997	2327	93-971	2907	93-881
1082	93-771	4475	Vetoed	6983	93-954	2337	93-701	2908	93-1018
1300	93-992	4478	93-824	7015	93-955	2339	93-1000	2918	93-858
1659	93-766	4489	93-937	7043	Vetoed	2360	93-890	2921	93-749
2268	93-973	4491	93-825	7057	93-970	2374	Vetoed	2940	93-966
2582	93-852	4502	93-773	7307	93-889	2377	93-962	2944	93-1039
2587	93-1004	4506	93-765			2378	93-805	2946	93-750
2981	Vetoed	4538	93-818	S.B.	Action	2382	93-1010	2988	93-891
3857	93-737	4558	93-907	73	93-1035	2386	93-832	3000	93-1036
3877	93-738	4566	93-912	948	93-914	2424	93-956	3013	93-1020
3882	93-969	4612	93-975	1070		2429	93-702	3014	93-785
3893	93-764	4660	93-828	1412	93-794	2444	93-740	3077	93-1021
3957	Vetoed	4705	93-920	1550	93-802	2447	93-884	3109	93-859
3977	93-909	4712	93-739	1553	93-679	2448	93-733	3111	93-980
3978	93-691	4751	93-710	1645	93-672	2457	93-807	3112	93-866
3981	93-848	4769	93-883	1668		2460	Vetoed	3166	93-885
4005	93-893	4771	93-958	1897	93-685	2502	93-705	3184	93-846
4006	93-682	4777	93-819	1914	93-874	2517	93-797	3201	93-1029
4012	93-947	4788	93-938	1971	93-1032	2545	93-728	3208	93-867
4023	93-692	4790	93-900	2108	93-683	2547	93-1012	3211	93-942
4027	93-684	4818	93-774	2112	93-715	2551	93-964		
4032	93-768	4851	93-1027	2115	93-803	2560	93-876		
4063	93-834	4856	93-994	2122	93-723	2583	93-820		
4099	93-936	4862	93-888	2124	93-800	2607	93-979		
4106	93-836	4894	93-943	2134	93-804	2620	93-850		
4120	93-694	4914	93-812	2135	93-814	2654	93-1014		
4135	93-905	4944	93-901	2145	93-998	2665	93-915		
4200		4947	93-769	2148	93-960	2690	AV		
4227	93-868	4949	93-906	2156	93-837	2724	93-678		
4232	93-910	4960	Vetoed	2158	93-961	2726	93-878		
4239	93-746	4962	93-921	2164	93-782	2731	93-1002		
4247	93-974	4977	93-951	2165	Vetoed	2732	93-904		
4266	93-808	4996	93-976	2167	93-783	2744	93-853		
4269	93-895	5017	93-952	2175	93-1007	2757	93-801		
4275	93-851	5057	93-902	2196	Vetoed	2768	93-1003		

Military-Related Bills

The General Assembly passed several bills to help members of the Armed Forces or their families.

Civil Relief. The law protecting persons in military service from job loss and debt collectors is expanded to cover National Guard members called to service by the President (now only by the Governor) (H.B. 4372, Chapa LaVia-Moffitt-Franks-McAuliffe-J.Watson et al. — Walsh-Viverito et al.).

Death Benefits. Survivors of military (including National Guard and Reserve) members killed on active duty in Operation Enduring Freedom or Iraqi Freedom become eligible for the state death benefit of over \$260,000 per decedent now offered for police, civil defense workers, and other emergency personnel. Survivors of those already killed in those campaigns will have 1 year after the bill is signed to apply (S.B. 1668, Viverito-J.Sullivan-E.Jones et al. — Madigan-Chapa LaVia-Flider-Acevedo-Novak et al.).

MIA/POW Scholarships. Illinois National Guard members on active duty or active training who become missing in action or prisoners of war are added to the persons whose dependents can get MIA/POW scholarships at Illinois public colleges and universities (H.B. 4491, Stephens-Chapa LaVia-J.Watson-Bost-McAuliffe et al. — Jacobs-Obama et al.).

Rehiring. A fine of \$5,000 to \$10,000 is added for knowing failure to rehire an employee who left for military service (H.B. 4660, Dugan-McAuliffe-Chapa LaVia-Bost-Flider et al. — Shadid et al.).

School Enrollment. Military children living temporarily outside a school district, who will live in it within 60 days after enrollment, cannot be charged nonresident tuition, and can count toward the district's general state aid (S.B. 2444, Clayborne-Obama — Holbrook-Stephens et al.).

Tuition. Persons on active military duty stationed in Illinois, and their dependents, can get in-state tuition rates at public universities (H.B. 3877, D.Brady-Grunloh-Dugan-Smith-Pritchard et al. — B.Brady-J.Collins-Forby-J.Sullivan et al.).

Unemployment Taxes on an employer will not rise because the employer closes due to the entry into the military of its owner or a major officer or shareholder (S.B. 2547, Shadid-Lauzen-Maloney et al. — Slone-Lindner-Yarbrough).



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.

Health & Safety

The General Assembly voted to empower state agencies to isolate, treat, and/or vaccinate persons believed to be infected with dangerous diseases in a declared disaster; make changes to promote posthumous donation of organs; set up programs to fight Alzheimer's disease, asthma, and cervical cancer; require health insurers to pay for osteoporosis testing and treatment; and commission studies of ways to improve Illinois residents' health and pay for their health care.

Alzheimer's Care. Three new Alzheimer's Disease Center Clinical funds are created in the State Treasury. Qualified medical center hospitals will be paid from the Clinical Fund and Expanded Clinical Fund for medical care related to Alzheimer's disease. The Independent Clinical Fund will pay qualified hospitals for some clinical research projects. Fund recipients must report annually to the Illinois Department of Public Health (IDPH) and an advisory committee (H.B. 4475, McGuire-Holbrook-Smith-Mathias et al.—Walsh-Hunter-J.Collins-Trotter; S.B. 2845, Walsh-Trotter-Link et al.—McGuire-Mathias-Yarbrough-Graham-Coulson et al., vetoed).

Animal Swapping. To prevent the spread of diseases, a person planning a gathering to sell or trade pets must notify the Department of Agriculture at least 30 days before, and keep records of the kinds of animals present and any transfers for 1 year (S.B. 3111, Walsh—Reitz).

Assisted Living Center Size & Vaccinations. The shared-housing facility capacity limit is raised from 12 to 16 residents. Assisted-living and shared-housing facilities that administer medications must offer each resident an annual flu shot and access to pneumococcal pneumonia vaccination (S.B. 2768, Maloney-Hunter-Trotter-J.Collins-Viverito et al.—Joyce-Mathias-M.Davis-J.Lyons-Holbrook et al.).

Asthma. If money is appropriated, IDPH will set up an asthma prevention

and control program to monitor asthma rates and environmental hazards that may promote asthma; distribute information on successful control methods; and educate and train patients and medical workers (S.B. 2794, del Valle-Trotter-J.Collins-Schoenberg-Hunter et al.—Soto-Parke-Delgado-Acevedo-Yarbrough et al.).

Cancer Trial Participation. Health insurers, other providers of health coverage, and the medicaid program may not cancel or nonrenew a person for participating in a "clinical" trial (called a "cancer" trial elsewhere in the bill) that meets criteria in the bill (S.B. 2339, Cullerton-Geo-Karis-Obama-Wojcik-Harmon et al.—Holbrook-Kurtz-Smith-Mathias-Coulson et al.).

Cervical Cancer. The IDPH Director will appoint a 12-member task force to obtain data, raise public awareness, identify new technologies and vaccines, and develop a statewide comprehensive prevention plan for cervical cancer. It must report to the Governor and General Assembly by April each year until its final report or 2009—whichever comes first (S.B. 2424, Halvorson-Wojcik-Hunter-Obama-Martinez et al.—Feigenholtz-Osterman-Coulson-May-Bassi et al.).

Day Care Product Safety. The Department of Children and Family Services must tell day-care facilities about unsafe children's products at initial licensing and annual visits, and offer a comprehensive list of such products to centers that lack Internet access. Centers must



prominently post notice of a list that IDPH offers on the Internet (S.B. 2378, Ronen-Radogno-Obama-Martinez-J.Collins et al.—Miller-Slone-Howard-Mathias-Osterman et al.).

Dialysis units in nursing homes, and dialysis facilities that merely train and support persons to operate dialysis machines at home, do not need Health Facilities Planning Board approval. An End Stage Renal Disease Facility can oversee dialysis units in nursing homes. Such units need not be separately licensed, but must be inspected under IDPH rules (H.B. 1659, Coulson-Cross-Flowers—Silverstein et al.).

Disaster Response. If the Governor proclaims a disaster, the Director of Professional Regulation can suspend or relax licensing requirements for health professionals (including those licensed by other states) working under the Illinois Emergency Management Agency (IEMA) and IDPH during the disaster. IDPH can order persons to be isolated (now only quarantined), or places closed to the public, if fast action is required to fight a dangerous disease. IDPH must get consent or seek a court order within 48 hours if possible, or as soon as possible otherwise. If persons are reasonably believed to be infected with or exposed to a dangerous infectious disease, IDPH can isolate them if they refuse medical exams, and can order them to get vaccines or treatments. Police must notify IEMA and IDPH or local health authorities of a reportable illness, health condition, or unusual disease or symptom cluster. IDPH must cooperate with

other agencies and authorities on plans to protect public health in a public health emergency, and require local health authorities to develop and implement emergency medical plans. IDPH will develop and implement a state Emergency Medical Disaster Plan, and may designate lead hospitals in each region to address overwhelming medical needs after disasters (H.B. 5164, Feigenholtz-Mathias-Currie-Osterman-Graham et al.—Obama-Trotter).

Exercise Center Medical Emergencies. Indoor athletic facilities, with some exceptions, must make plans for responding to medical emergencies. Each must have at least one automated external defibrillator (AED) and a trained user on staff. IDPH can inspect for compliance, and will make rules for training staff on cardiopulmonary resuscitation and AED use (H.B. 4232, Burke-Osmond-Black-Fritchey-Flowers et al.—Sandoval-Crotty-Silverstein).

Flu Shots. If money is appropriated, IDPH will obtain free annual flu shots for persons who cannot get such vaccinations without charge from health insurers or plans (H.B. 4894, Joyce-M.Davis-McCarthy-Brosnahan—Schoenberg-Maloney).

Health Care Availability and Cost. A task force appointed by the Governor and legislative leaders will hold public hearings on developing a comprehensive plan to pay for health care for all Illinoisans, and report to the Governor and General Assembly by March 2006 (H.B. 2268, Delgado-Flowers-Giles-A.Collins-M.Davis et al.—Obama-Harmon-J.Collins-Hunter-Trotter et al.).

Health Improvement Plan. The 17-member State Board of Health will send State Health Improvement Plans to the Governor in 2006, 2009, and every 4 years thereafter, recommending ways to improve the public health system and state residents' health. At least three public hearings will address drafts of

plans (H.B. 4612, Coulson-Lindner-Ryg-Hamos-Dunkin et al.—Schoenberg-Lightford-J.Collins-Radogno).

Mosquito-Borne Diseases. All mosquito abatement districts must conduct surveillance of mosquitoes for West Nile virus and other mosquito-borne diseases, and report any positive result to the local health department within 24 hours (S.B. 2879, Maloney-Schoenberg-Crotty—Parke).

Nursing Home Ombudsmen. All ombudsmen chosen to monitor nursing homes must have background checks and training on topics including residents' rights before visiting the homes (S.B. 2726, Martinez-Crotty-Garrett-Hunter-Wojcik et al.—J.Lyons-Berrios-Flowers-Osterman-Holbrook et al.).

Obese Students. IDPH must require collection of data on obesity during school health exams. Examiners must note factors relating to obesity. IDPH may collect and maintain such data, aggregated to prevent identifying anyone (S.B. 2940, Hunter-Crotty-Trotter-J.Collins-Martinez et al.—Miller-Cross-Coulson-M.Davis-Yarbrough et al.).

Organ Donation. Act consolidation. The Illinois Corneal Transplant Act and Organ Donation Request Act are repealed and incorporated into the Illinois (formerly Uniform) Anatomical Gift Act. The expanded Act preserves some distinctions among organ, tissue, and blood donations. The list of persons who can consent to donating organs from the body of a person who did not express a contrary intent is changed to start with the decedent's agent under a health-care power of attorney (whether or not it mentions organ donation), followed by the decedent's surrogate decisionmaker (if any); a guardian of the decedent's person (if any); and the decedent's relatives already listed in the Act (S.B. 1412, Obama-Hendon-Trotter et al.—Sacia-Ryg-D.Brady-Mathias).

Cardiac deaths. If a potential donor, or a person who can consent to that person's donation, expresses interest in organ donation; brain death has not been certified; and the hospital does not allow donation after "cardiac death" (not defined), the organ procurement agency is to give the person who can consent information including the right of transfer to a hospital that will allow donation (H.B. 4862, McAuliffe-Bellock-Feigenholtz-Berrios-Boland et al.—DeLeo-Obama-J.Collins-Hunter et al.).

Osteoporosis Coverage. Group health insurers, other providers of medical coverage, and medicaid must pay for bone mass measurement and osteoporosis diagnosis and treatment (S.B. 2744, Hunter-Trotter-J.Collins et al.—Flowers-M.Davis).

Potluck Events as defined in the bill may not be regulated by state or local health departments (S.B. 2944, Rutherford-Syverson-Hunter—Sommer-Cultra-Hultgren-Leitch et al.).

Suicide Prevention. The IDPH Director will appoint a Suicide Prevention and Planning Committee to create and oversee a Suicide Prevention Strategic Plan. IDPH will distribute suicide prevention information and screening tools through local health departments. If money is appropriated, it will also use up to 5 pilot programs to provide training and direct services for suicide prevention in the young, elderly, and other special populations (H.B. 4558, Pihos-Lindner-Hamos-Bellock-Ryg et al.—Ronen-Martinez-Lightford-J.Collins et al.).

Transplants and HIV. Organs may be transplanted from an HIV-infected donor to an HIV-infected recipient who is at immediate risk of death without a transplant (H.B. 3857, McKeon-Miller-Sacia-Howard-Ryg et al.—Cullerton-Martinez-J.Collins-Hunter-Ronen).

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Local Government

The General Assembly voted to allow stricter background checks and EMT certifications for firefighters; prohibit new agreements to redistribute sales tax proceeds among local governments; and authorize taxes to help develop business districts.

Boil Orders must be reported by a local government to the local public health department within 2 hours, followed within 24 hours by written notice projecting the duration of each order (S.B. 3013, Garrett—Ryg-E.Sullivan-May-Howard).

Business District Taxes. Municipalities with business district development plans can impose sales and lodging taxes and issue bonds to fund the plans. Taxes must end when all business district costs are paid or within 23 years after adoption of a plan, whichever is first (H.B. 826, Reitz-Turner-Saviano-Sacia-Kelly et al.—Clayborne).

Council Expansion. In a city under 50,000 with managerial government, the city council can expand itself from 4 to 6 members (S.B. 2175, Link-Rutherford—Ryg-Mathias-Yarbrough-Pritchard).

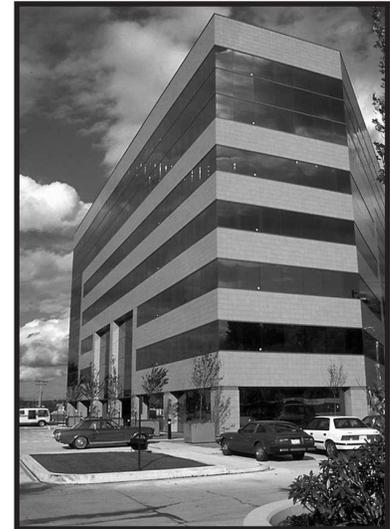
Court Fees. Any county can impose a \$10 fee on each conviction or grant of supervision, to support a county mental

health court (H.B. 1300, Winters-Colvin—Syverson). Any county with a teen court, peer court, youth court, or similar program can impose a similar \$5 fee to fund that program (H.B. 307, Moffitt-O’Brien-Bellock-Wait-Mautino et al.—Harmon-Shadid-Risinger-Winkel et al.).

Firefighters. *Background checks, certification, district trustees.* A fire chief or fire protection district can have fingerprint-based criminal checks done on firefighter applicants. A fire protection district can require that all new firefighters in its territory have EMT-B, -I, or -P licenses. Procedures are stated for nominating fire protection district trustees (H.B. 5017, McCarthy-Joyce-Moffitt-R.Bradley-Bost—Walsh).

Job protection. In a municipality up to 3,500, no employer may terminate an employee for arriving late due to service as a volunteer firefighter in an emergency that began before the firefighter’s work day (H.B. 4851, Boland-McKeon-Gordon-Verschoore-J.Bradley—Forby et al.).

Housing. The deadline for the Illinois Housing Development Authority to determine which local governments are exempt from a 2003 law designed to promote affordable housing (P.A. 93-595) is moved up from January 2006 to October 2004. But non-exempt governments get until April 2005 (instead of July 2004) to



develop affordable-housing plans (S.B. 2724, Schoenberg-Martinez-Lightford-Cullerton-J.Collins et al.—Slone-Osterman-W.Davis-Krause-Kelly et al.).

Library Aid From TIF. A public library district with more patrons due to assisted housing built with tax increment financing, if unable to raise its property taxes without referendum, can apply for part of the municipality’s TIF revenue (S.B. 2158, Garrett—Mathias-Ryg-Nekritz-Kurtz et al.).

Tax-Sharing Agreements. No county or municipality may rebate sales tax that would have gone to another local government in which the retailer has a store or warehouse from which the goods were delivered. Agreements predating June 2004 are not affected (H.B. 4705, E.Lyons-Munson-Currie-Holbrook et al.—Peterson-Radogno-Lauzen et al.). □

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**2004
VETO SESSION**

**November
8, 9, 10 Session
16, 17, 18 Session**

Professions & Occupations

The General Assembly voted to relax some restrictions on health practitioners other than physicians, and add regulatory requirements on real estate brokers.

Accountants will be licensed by the Department of Professional Regulation (DPR) instead of the Board of Examiners for accountants—although the Board will continue to test applicants for CPA certificates. The title “Public Accountant” will be phased out in 2006 and new registrations of Registered Certified Public Accountants will end in 2010, leaving only the title “Licensed Certified Public Accountant” open to new applicants. Accountants’ non-auditing services to some kinds of companies are restricted, and licensed CPAs must get at least 4 hours of professional ethics instruction every 3 years as part of their continuing education (S.B. 2108, DeLeo-Dillard-Link et al.—Saviano-L.Jones-Mautino-Holbrook et al.).

Acupuncturists no longer need medical referrals to treat patients using principles and techniques from accredited acupuncture schools. But they must refer persons whose conditions are beyond their competence to physicians

or dentists (H.B. 2981, Saviano-Coulson-S.Davis—Cullerton-Trotter; S.B. 2254, Cullerton-Hunter-Ronen—Saviano, **vetoed**).

Advanced Practice Nurses and Physician Assistants. Advanced practice nurses having collaborative agreements with physicians, and physician assistants who have been delegated authority by physicians, can refer patients for occupational therapy; prescribe emergency contraception to sexual assault victims; and perform medical procedures on minors within the scope of their authorizations (S.B. 2377, Ronen et al.—Coulson-Ryg-Bellock-Lindner et al.).

Genetic Counselors. After 2005, persons using the term “genetic counselor” or similar words to describe themselves must be licensed by DPR. They may provide genetic counseling only with written referrals from physicians, or from advanced practice nurses or physicians’ assistants authorized to make referrals (H.B. 4200, Moffitt-Lang-Mathias-Feigenholtz-Slone et al.—Winkel-Schoenberg-Silverstein).



Physical Therapists. Under the same conditions as in S.B. 2377, advance practice nurses and physicians’ assistants can refer patients to physical therapists. The permitted contents of advertisements by physical therapists are limited (S.B. 2382, Munoz-J.Collins et al.—Saviano et al.).

Real Estate Brokers must meet added requirements for initial and continuing education. Exclusive brokerage agreements must include provisions added to the act that specify the broker’s duties (H.B. 4960, Brauer-Saviano et al.—DeLeo; S.B. 2887, Munoz-Sandoval—Saviano et al., **vetoed**). □

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Health & Safety

(continued from p. 17)

Treatments and Disclosure. All health-care workers except licensed practical nurses must announce their profession when treating a patient. Care or treatment of unconscious patients must be related to their condition (H.B. 1082, Flowers-Currie—Martinez-Winkel-J.Collins-Crotty-Lightford et al.).

Water Bottling. Water may be bottled in sealed containers in Illinois for human ingestion only by license from IDPH, which must inspect plants at least annually. IDPH can also check records on water dispensed into customer containers. Out-of-state plants that sell water here must register with IDPH. IDPH can require bottlers to test for contamination and report at least annually. In emergencies such as floods,

IDPH can allow water to be “packaged” without a license (S.B. 3112, Garrett-Schoenberg-Wojcik-J.Collins et al.—Osterman-Yarbrough-Coulson-Graham et al.). □

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Revenue

Legislators increased several residential property tax exemptions, especially for households with rapid assessment increases; raised several state fees; expanded protections of audited taxpayers; and reduced some truck taxes.

Audits. If a tax audit changes a return, the auditor must list in writing the audit findings and, unless the taxpayer declines, the audit methods used. At the taxpayer's request, the auditor must list what records must be kept and any recommended changes in recordkeeping (H.B. 4977, Biggins-Wait-Kosel-Dunn et al. —Roskam-Radogno-Lauzen-Peterson-Righter et al.).

Budget Implementation. Some federal aid for social programs will be divided between their funds and the General Revenue Fund. Transfers totaling up to \$80 million in each of the next two fiscal years can be made from two medicaid-related funds to the General Revenue Fund. The Departments of Revenue and Public Aid can exchange information to verify "circuit breaker" eligibility. Nursing homes must pay a flat \$995 annual license fee, except that those paying the developmentally disabled care provider assessment are exempt. Medicaid reimbursement rates to nursing homes are raised 3% as of July 1, 2004 (subject to conditions) and 3% more next January 1. New procedures for enforcing the hospital provider tax are enacted (S.B. 2208, Trotter-Hunter-Schoenberg — Madigan-Cross-Currie-Hannig-Beaubien).

Court Fees Collection. Past-due court fees can be collected by intercepting Illinois income tax refunds. This must not interfere with child support collection (H.B. 4106, R.Bradley-Bellock-Soto-Delgado-Yarbrough et al. —Martinez-J.Collins-Lauzen-Hunter).

Fee Increases. Various fees are increased, including those for State Identification Cards, duplicate license plates, and court supervision fines for DUI offenders. Fees are created for delinquent vehicle registrations and for lottery license applications, renewals, and on-line usage. A watercraft use tax is created. Changes are made in taxation of unitary business groups that include foreign companies; tax shelters; and recapture of business expenses. Penalties are created for failure to disclose, or understatement of, reportable transactions. Proceeds will be divided between dedicated funds and the General Revenue Fund (S.B. 2207, Link-Hunter-Schoenberg — Cross-Madigan-Currie-Beaubien-Hannig).

Property Tax Exemptions. The general homestead exemption is raised from \$4,500 in Cook County and \$3,500 elsewhere to \$5,000 statewide starting with tax year 2004 (payable in 2005)—except that by January 12, 2005, any county can adopt an "alternative" homestead exemption plan for the next 3 tax years. It will allow higher exemptions to owners of some residences having rapid assessment increases, limited to \$20,000 in any tax year. Households not getting the senior citizens' assessment freeze, with incomes under \$30,000 and assessments up 20% or more since the last assessment, can get an extra \$5,000 exemption in the first tax year after an "alternative" exemption plan ends. (School districts' general state aid will not be reduced by the "alternative" or extra \$5,000 exemptions.) The income limit for the senior citizens' assessment



freeze is raised from \$40,000 to \$45,000. The limit on the senior citizens' homestead exemption is raised from \$2,500 in Cook County and \$2,000 elsewhere to \$3,000 statewide. The limit on the 4-year exemption for home rebuilding after a catastrophe is raised from \$45,000 in market value to \$75,000 (S.B. 2112, Link-DeLeo-J.Collins-Martinez-Obama et al. — Madigan-Osterman-Fritchey-Mathias-Feigenholtz et al.).

Truck Taxes. The exemption from sales tax of trucks and trailers rated at over 8,000 lbs., used in interstate commerce, and subject to the commercial distribution fee, is extended through fiscal year 2005, provided that their primary use is commercial. No commercial distribution fee will apply to vehicles up to 8,000 lbs. The commercial distribution fee for vehicles over 8,000 lbs. will fall from its current 36% of the flat- or mileage-weight tax to 21.5% in fiscal year 2006 and 14.35% thereafter (H.B. 714, Madigan-Cross-Currie-Hoffman-Gordon et al. — Shadid-Walsh-J.Sullivan-Forby-Welch et al.). □

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Social Services

The General Assembly voted to improve services to older adults, including promoting home-based rather than institutional care; increase the availability of audio recordings for blind people; and tighten standards for tenants in public housing.

Children

Abuse Investigations. Child protective investigators for the Department of Children and Family Services must be trained on legal rights of persons they investigate, and must inform them of the specific complaints against them (S.B. 2448, Roskam—Hultgren-Delgado-Bellock-E.Sullivan-Lindner).

Autism Services. The Department of Human Services (DHS) must convene a task force to study ways to provide better services to people with autism, and report annually starting in 2005. Along with the Department of Public Aid (DPA), it must investigate chances of getting federal medicaid funding for such services (H.B. 4502, Brosnahan-Ryg-Bellock-Mendoza-Flowers et al.—DeLeo-Maloney-Link-Lightford-Munoz et al.).

Newborn Dropoff. Police stations and sheriffs' offices are added to the list of places where parents can give up their newborns (H.B. 3957, Coulson-Millner-Dunkin-May-W.Davis et al.—Trotter-J.Collins-Crotty-Hunter; S.B. 2583, Trotter-J.Collins-Crotty-Hunter-Martinez et al.—Coulson-Yarbrough-Graham-Meyer-Osterman et al., **vetoed**).

Support. *Collection agencies* may not charge to collect support obtained by the efforts of a government agency, or to collect current-month support. In other situations, the Department of Professional Regulation will allow such agencies to charge between 25% and 35% of support collected (H.B. 4393, Bellock-E.Lyons-Hamos-Currie-J.Lyons—Silverstein-D.Sullivan-J.Collins-Trotter-Garrett et al.).

Debit authorizations. DPA will develop a form that persons owing child support can sign to direct their financial institutions to debit their accounts to pay support (H.B. 4310, Soto-Bellock—Martinez-del Valle-Hunter-J.Collins).

Visitation. Any county (not only those of between 100,000 and 1 million) can impose a filing fee on civil suits to support “neutral sites” where parents can transfer custody of children between themselves (H.B. 4239, Lindner-Mathias—Petka).

Adults

African-American Families. The African-American Family Commission created by a 1994 executive order is renamed the Illinois African-American Family Commission, and its mission expanded to include working with state agencies to improve social, economic, and educational opportunities for African-Americans. The Governor will appoint its 15 members (S.B. 3208, Hunter-J.Collins-Trotter-Harmon et al.—Turner-W.Davis-A.Collins-Washington et al.).

Blind Readers. The Secretary of State can make grants to public or nonprofit organizations to convert newspapers and other publications into audio recordings by computer for use by blind persons. Money will come from the Digital Divide Elimination Infrastructure Fund or, if needed, from surcharges on local phone service (S.B. 2517, Cullerton et al.—Fritchey-Feigenholtz-Howard-Verschoore-Eddy et al.).

Childbirth Care. Hospitals may not set different standards for obstetric care based on patients' ability to pay. The medicaid program will reimburse for epidural anesthesia ordered by the attending practitioner at delivery (H.B. 486, Flowers-M.Davis-Stephens—Trotter-Schoenberg-Martinez-J.Collins et al.).

Family Caregiving. The Department on Aging is to encourage families to care for their elderly members by contracting with area agencies for services including counseling, training, and respite care. The Department will seek federal funding for a demonstration project for this purpose (H.B. 6706, Mathias-Lindner-Meyer-Holbrook et al.—Hunter-J.Collins-Martinez).

Insulin. DPA may not set formulary limits or prior-authorization requirements for prescribed insulin (S.B. 2847, Trotter-Hunter-E.Jones-Radogno-del Valle et al.—Turner-Acevedo-Cross-Saviano-Colvin et al., **vetoed**).

Nursing Home residents and their families must be offered help by the Department on Aging in selecting what services to obtain and in making transitions between institutional and

(continued on p. 25)



State Government & Pensions

Legislators put restrictions on state bond sales and facility closures, and authorized monetary transfers to fund the 2005 state budget. They also voted to abolish the Department of Nuclear Safety and give its powers, and other agencies' nuclear regulatory powers, to the Illinois Emergency Management Agency; replace the Health Facilities Planning Board and strengthen the new Board's ethics requirements; increase the powers of the Joint Committee on Administrative Rules over agency regulations; favor U.S. makers in state purchasing; offer death benefits to survivors of persons killed on military active duty in Afghanistan or Iraq; and raise pensions or survivors' benefits in several Chicago pension funds.

Agriculture. The David A. Wirsing Food Animal Institute is created to research and publish information on the food animal industry and its impact on Illinois agriculture. The Governor will appoint its 15-member board (H.B. 4769, Pritchard-Sacia-Myers-Brauer et al. —Walsh-Burzynski et al.).

Appropriation Transfers. During fiscal year 2005 only, an agency may transfer amounts totaling up to 4% of its total appropriation among line items to make up deficiencies (S.B. 2213, E.Jones-Hunter-Trotter-Crotty — Madigan-Currie-Cross-Hannig-Beaubien).

Budget Implementation, etc. Fiscal and State Debt Impact notes on bills to authorize bond sales must include projected total interest paid. At least 25% by value of bonds sold each year must be publicly bid. The Web site of the Governor's Office of Management and Budget must report expenses to issue bonds, and projected principal and interest payments on them. Bonds must have level repayment schedules. Refunding bonds may not stretch out repayments. No bonds may be issued that would cause total debt service on all bonds in the next fiscal year to exceed 7% of total appropriations from general funds in the fiscal year before the issue unless the Comptroller and Treasurer consent. State agencies may not use financing (including certificates of participation) to buy or rent real estate without legal authorization.

Before closing an executive-branch facility employing at least 25 persons, the employer must notify the Illinois Economic and Fiscal Commission (IEFC) and provide information at its request. IEFC can hold public hearings and issue an advisory opinion before a planned closure. Civil service employees subject to layoffs must be offered vacant positions and unemployment benefits. Each spring the Director of Central Management Services (CMS) must send IEFC detailed information on the proposed state employee group insurance plan for the next year. Provisions are made for CMS to provide some services (including legal, workers' compensation, and facility management) for other agencies under the Governor.



Lump-sum payments will be offered in November and December to many state employees to retire early. Changes in pension-fund transfers are made to fund that program. Various fee changes, and fund deposits and transfers, are authorized to fund the fiscal year 2005 budget.

Administration of the Wireless Service Emergency Fund is transferred from CMS to the Illinois Commerce Commission. A sanitary district can take over the territory and property of a privately owned water treatment system, not in another sanitary district but with a discharge point within 15 miles of the acquiring district's nearest boundary (S.B. 2206, Welch-Hunter-Schoenberg et al. —Madigan-Cross-Currie-Hannig-Beaubien).

Buying American. State agencies must buy products made in the U.S. unless goods made abroad offer substantially better price, quality, or availability, or the purchases involve medical supplies or communication services. The Capital Development Board is exempt if a construction project is too complex to identify the source of each component (H.B. 6983, May-Verschoore-Saviano-Chapa LaVia-E.Lyons et al. —Link et al.).

Courts. The 19th Judicial Circuit (which beginning December 2006 will consist of only Lake County) will have a minimum of 20 associate judges as of then (versus the usual minimum of 14 for a one-county circuit). The 12th Circuit (Will County) gets two new resident judgeships, which the Supreme Court can fill by appointment until the 2008 election. A planned reduction by attrition of two 12th Circuit associate judgeships is cancelled (S.B. 2287, Link — Cross-Hassert-Beaubien-Mathias-E.Sullivan).

Disaster Leave for Employees. State and local employees may get up to 20 days' paid leave per year to help the Illinois Emergency Management Agency (added to the American Red Cross) in disaster recovery. Leave may

be granted for any disaster in the U.S. (now only Illinois) (H.B. 4005, Poe-M.Davis-Bailey-Mautino-Brauer et al. — E.Jones-Shadid et al.).

Elections. The definition of a “political committee” which must meet reporting and other requirements is expanded to include any organization that takes in contributions, or spends, over \$3,000 within 12 months for “electioneering communications” (advertising within 30 days before a primary or 60 days before a general election that mentions an identified party, or mentions a candidate or proposition to be on the ballot). Final dates for canvassing votes after an election are lengthened, as are some dates for local officials to take office. If election results have not been proclaimed by the end of the term of an officer (except judicial), the person elected will take office 14 days after the result is proclaimed (H.B. 629, Madigan-Currie-Boland — Walsh).

Ethics Law Changes. The government ethics act enacted late last year is amended to allow a state official’s name or image to appear on promotional items that further the official’s governmental and public service functions. The Executive Director and staff of the Legislative Ethics Commission, and the staff of the Legislative Inspector General’s office, must be approved by a majority of the four legislative leaders. Legislative ethics officers can serve part-time without affecting their state pension eligibility, but can choose to participate in a pension plan if eligible. Requests to legislative ethics agencies and personnel for guidance, and the guidance they provide, are exempt from disclosure under the Freedom of Information Act (S.B. 1897, Clayborne — Madigan-Cross-Currie).

Gambling Expansion Limit. No agreement between the Governor and a tribe to allow it to offer gambling in Illinois can take effect without legislative approval (S.B. 2460, Burzynski et al. — Pritchard-Millner-Froehlich-Bassi-Cultra et al., **vetoed**).

Great-Grandparents’ Day. The first Sunday after Labor Day is designated to honor Illinois’ great-grandparents (H.B. 5207, J.Bradley-Holbrook-Fritchey-Miller-Boland et al. — Martinez-Forby-Hunter).

Health Facilities Planning Board; Contingent Lobbying. The Governor can replace all existing members of the Board with a new Board of 5 voting and three *ex officio* members. Member conflicts of interest are prohibited. Board members’ and employees’ *ex parte* communications are prohibited as to “impending” permit applications (added to applications already filed). The prohibition on lobbying for pay contingent on the outcome of legislative action is expanded to include lobbying for pay contingent on executive or administrative action (H.B. 7307, Madigan-Black-Cross-Bellock-Delgado et al. — E.Jones-Hendon-Trotter et al.).

Identity Theft Prevention. A Social Security Number Protection Task Force will study procedures used by state agencies requiring Social Security numbers to protect against their improper disclosure, and report by the fall veto session (H.B. 5165, Munson-Osmond-Fritchey-Kelly et al. — Schoenberg-J.Collins).

Industrial Commission Name Change. The name of the Industrial Commission is changed to the “Illinois Workers’ Compensation Commission” with no change in duties (H.B. 6648, Hoffman-D.Brady — Haine).

Medicaid. The Governor was authorized to borrow up to \$850 million in June to fund medicaid and Children’s Health Insurance Program payments. A Medicaid Managed Care Task Force is to hold hearings, gather information, and make recommendations for the future of the medicaid program, reporting to the General Assembly by November 8, 2004 (H.B. 953, Madigan-Currie-Franks — Trotter-Sandoval).

Military Benefits. Death. Survivors of military (including National Guard and Reserves) members killed on active duty in Operation Enduring Freedom or Iraqi Freedom become eligible for a death benefit of over \$260,000 already offered for police, civil defense workers, and other first responders. This applies to those already killed in those campaigns if claims are filed within 1 year after the bill is signed (S.B. 1668, Viverito-J.Sullivan-E.Jones et al. — Madigan-Chapa LaVia-Flider-Acevedo-Novak et al.).

Family relief. Potential recipients of grants from the Illinois Military Family Relief Fund are expanded to include unmarried Illinois National Guard members and reservists (not only families of those members) called to active duty due to the September 11, 2001 attacks. The closest survivor of an Illinois soldier killed in the war on terrorism can receive \$3,000 (H.B. 4996, Holbrook-Dugan-Stephens-McAuliffe-Gordon et al. — Halvorson-Crotty et al.).

Nuclear Regulatory Reorganization. The Illinois Emergency Management Agency (IEMA) becomes a Code department and takes over the radioactive and nuclear waste regulatory powers of the Department of Nuclear Safety (now abolished), Environmental Protection Agency, and State Fire Marshal. All Department of Nuclear Safety personnel are transferred to IEMA. IEMA will develop standards for disposal of nuclear and radioactive waste, and acquire and monitor disposal sites. IEMA will supervise nuclear power management, and develop a state nuclear power policy and an emergency response plan for nuclear accidents. IEMA will control transportation of nuclear and radioactive materials, and inspect and escort all major shipments of radioactive materials through Illinois (S.B. 3201, Schoenberg-DeLeo-Ronen — Morrow-Madigan-J.Lyons-L.Jones-W.Davis et al.).

(continued on p. 25)

Transportation

The General Assembly voted to require each applicant to register or renew vehicle registration to provide information on liability insurance; impose or lengthen license suspensions for dangerous drivers; and offer license plates at reduced fees for more drivers.

Agricultural Trip Permits. Eligibility for special permits to move agricultural products is expanded to include livestock, fruits, and vegetables; the maximum travel distance doubled to 50 miles; and fees reduced to \$5 per axle (S.B. 2327, Walsh-J.Sullivan-Forby et al.—Grunloh-Gordon-Flider-Eddy-Bost et al.).

Bankrupt Motorists. Persons whose drivers' licenses are suspended for failing to pay judgments discharged in bankruptcy must maintain proof of financial responsibility for 3 years (H.B. 718, Churchill-Hoffman-Black—Link-Maloney).

Bumper Heights are limited to 28 inches (front) and 30 inches (rear), except on specialized or towed vehicles (S.B. 2429, Shadid—Slone-Froehlich).

Insurance Evidence. Applicants for vehicle registration or renewal must provide their insurer's name, their policy number, and its expiration date (S.B. 2122, del Valle-Martinez—Acevedo-Delgado-Soto-Yarbrough-Colvin et al.).

License Plates. The additional \$15 fee for Bronze and Silver Star license plates is eliminated. Starting next year, "circuit breaker" recipients with amateur radio plates join the persons eligible for \$24 fees (H.B. 4489, Pankau-Franks-Smith-Washington-Brauer et al.—Soden). Another bill offers \$24 fees to existing classes of military veterans when they are approved for "circuit breaker" grants, rather than already getting them (S.B. 3184, DeLeo-Hunter—Fritchey-McAuliffe-Mathias-Osterman-Holbrook et al.).

Maintenance Zone Enforcement. The Department of State Police can install devices in highway maintenance or construction zones to photograph speeders—but only when workers are present (H.B. 4012, Froehlich-Millner-Sacia-Mathias-Fritchey et al.—Munoz-J.Collins-Martinez et al.).

Mass Transit Projects. Subject to appropriation, a pilot program will provide up to \$500,000 in support to each of eight listed transit projects statewide



(H.B. 2587, L.Jones-Miller-Acevedo-Winters-Black et al.—Meeks-Winkel-Garrett-J.Collins-Wojcik et al.).

Tow Trucks may tow any disabled vehicle, regardless of weight and length limits, over state highways (but not bridges) to a repair place. Fees for special tow truck permits are lowered to \$50 per quarter or \$200 annually (H.B. 720, W.Davis-Hoffman et al.—Link-Walsh).

Truck and Bus Speeds. The speed limit on Interstate highways and tollways is to rise to 65 m.p.h. for all vehicles except buses; the speed limit for buses on non-divided highways is to fall from 60 to 55 (S.B. 2374, Shadid-Risinger-J.Sullivan-Forby—J.Bradley-Verschoore-Grunloh et al., **vetoed**). □

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William Wozniak

On September 20, William Wozniak, 51, an 18-year veteran State House security guard, was shot and killed by a gunman attempting to enter the building. Two memorial funds have been established. Donations to either the "Bill Wozniak Trust Fund" for his children's education, or the "Porta Boosters Wozniak Fund" to build an addition to the weight room in the high school that his children attend, can be sent to the National Bank of Petersburg, 321 N. 6th St., Petersburg, Illinois 62675.

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.legis.state.il.us/commission/lru/lru_home.html

Catalog of State Assistance to Local Government Officials

Describes state programs providing financial and technical assistance to counties, municipalities, townships, and special districts (excluding school districts). Compiled from a comprehensive survey of all Illinois state agencies.

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.

1970 Illinois Constitution Annotated for Legislators

This book includes the text of the 1970 Constitution as amended through the November 1994 election.

Illinois Tax Handbook for Legislators

This handbook gives information on every significant Illinois state tax.

Medicare and Medicaid: What is the Difference? (English and Spanish versions)

A popular brochure that summarizes the primary differences between the two prominent government health insurance programs.

Penalties for Crimes in Illinois

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

State Government & Pensions

(continued from p. 23)

Overtime Pay. Public employees (except elected officers; their personal staffs, policymakers, and legal advisors; and legislative employees) must be paid 1 1/2 times regular pay for overtime unless their jobs are exempt. But public employers can use compensatory time off instead, and some police and fire protection employers are exempt (S.B. 1645, Obama-Forby-Ronen-Sandoval-E.Jones et al. — Phelps-McKeon-Hoffman-Acevedo-Jefferson et al.).

Pension Increases. A law enacted last January improved the pensions or survivors' benefits of several categories of Chicago police officers, firefighters, or their surviving spouses. Chicago city officers, employees, laborers, and park employees were offered retirement incentives, and Chicago park employees' pension formula was improved. Chicago's employer contributions to those funds in future years are deferred or reduced (H.B. 600, Madigan-Currie-R.Bradley-Acevedo-Graham et al. — E.Jones-J.Collins-Maloney-Hunter et al.).

Regulations Review; IEMA Contract. Provisions under which the Joint Committee on Administrative Rules (JCAR) had to get a joint resolution passed to confirm its disapproval of a proposed regulation beyond 180 days are replaced by making JCAR's disapproval permanent unless a joint resolution overruling it is passed within 180 days, or JCAR withdraws its disapproval. A proposing agency can make changes to obtain JCAR's approval. Construction of an Emergency Operations Center for the Illinois Emergency Management Agency is exempted from bidding procedures for state contracts for over \$250,000, subject to stated conditions (S.B. 73, Halvorson-Demuzio-Walsh-J.Sullivan-Bomke et al. — Delgado-Phelps-Forby-Joyce-Washington et al.). □

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Social Services

(continued from p. 21)

other settings (H.B. 5057, Feigenholtz-Hamos-Coulson-Osterman-Currie et al. — Harmon-J.Collins).

Older Adult Services. The Department on Aging must use money from its State Projects Fund to change current older adult services from primarily facilities-based to home- and community-based. The Illinois Department of Public Health and DPA will help with delivering restructured services through Nursing Home Conversion Grants. The Department on Aging will report annually to the General Assembly starting January 2006 (S.B. 2880, Martinez-Wojcik-Geo-Karis-D.Sullivan-Hunter et al. — Hamos-Coulson-Black-J.Lyons-Feigenholtz et al.).

Public Housing. Housing authorities can refuse to "certify or recertify" persons (apparently barring them from living in authority housing) based on pre-tenancy drug crimes (added to drug crimes during tenancy). Authorities can also send fingerprints of applicants and tenants to the Department of State Police for 50-state criminal records checks (S.B. 2921, Cullerton-Hunter — L.Jones-Dunkin-Kelly).

Sheltered-Care Payment Rates under the Aid to the Aged, Blind or Disabled program for clients in licensed group-care facilities were raised 10% (H.B. 4818, Watson-Giles-S.Davis-Holbrook-Eddy et al. — Obama-D.Demuzio).

Veterans' Homes. An income tax checkoff is created to aid Illinois veterans' homes and improve residents' lives (H.B. 5157, J.Watson-Bellock-B.Mitchell-Pritchard-Black et al. — Welch). □

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Abstracts of Reports Required to be Filed with General Assembly

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

Central Management Services Dept.

Annual report summary, 2004

Lists 20 state agencies printing annual reports through CMS or outside printers. Agencies printed 24,750 reports for \$76,938. Housing Development Authority and Department of Human Services printed the most reports at 5,000 each. (30 ILCS 500/25-55; Jan. 2004, 2 pp.)

Flex-time report, 2003

Among eligible employees, 14,168 (26.1%) used flexible work hours; 11,591 had nonstandard hours, 1,901 compressed workweeks, 648 part-time over 20 hours per week, and 28 sharing jobs. Usage rose in 31 agencies, fell in 12, and was unchanged in 4. (20 ILCS 415/9(13); undated, rec'd May 2004, 3 pp.)

Commerce Commission

Railroad accidents involving hazardous materials, 2003

Commission inspectors checked 15,701 railcars carrying hazardous materials and 962 waybills. Violations of hazardous materials regulations were down from 3.8% in 2002 to 3.4% in 2003. Four derailments released hazardous materials; 7 did not release hazardous materials; and 73 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); May 2004, 10 pp. + tables and attachments)

Comptroller

Receivables Report, 2003

Gross receivables due to Illinois at 2003 yearend were \$11.1 billion, an increase of 6% from 2002. Net receivables (minus uncollectible receivables and long-term loans) were \$1.6 billion. Uncollectible receivables were \$4 billion, up \$69 million from 2002—mainly due to large uncollectible receivables in Departments of Public Aid and Revenue. Three largest collectible receivables are child support claims, other (licenses, fees, federal reimbursements, university activities, etc.), and taxes. Lists receivables by agency and age. (30 ILCS 210/4(d); Mar. 2004, 29 pp., tables and graphs)

Corrections Dept.

Adult and juvenile facilities quarterly report, Jan-Mar. 2004

Department had 43,726 residents in adult facilities on February 29, 2004, versus capacity of 32,409. Average ratio of security staff to inmates was 0.205. Prisoners were 9% single-celled, 65% double-celled, and 26% multi-celled. Adult population was projected at 45,239 by March 2005. Department had 1,513 residents in juveniles facilities on February 29, 2004. Average ratio of security staff to juvenile was 0.622. Juvenile population was projected at 1,491 by March 2005. (730 ILCS 5/3-5-3.1; Apr. 2004, 23 pp.)

Economic and Fiscal Commission

Legislative capital plan analysis, FY 2005

Governor's capital budget proposal for fiscal 2005 included \$3.244 billion in new appropriations and \$7.928 billion in reappropriations. Proposed new appropriations would be from bond funds (\$1.644 billion), various revenue funds (\$1.366 billion), and federal or trust funds (\$0.234 billion). Governor did not request an increase in general obligation bond authorization, although two programs in the Capital Plan would require increased authorization. Governor projected new bond sales of \$1.5 billion for general obligation and \$350 million for Build Illinois. Debt service for general obligation bonds is expected to cost \$1.1 billion, up by \$145.1 million (15.4%). Debt service for all bonds, including pension obligation bonds, is expected to cost \$1.6 billion, up by \$160.3 million (11.3%). Describes capital projects of agencies recommended for new appropriations. (25 ILCS 155/3(8); April 2004, 34 pp.)

Human Services Dept.

Annual report on child care, 2003

In FY 2003, the Department was appropriated \$651.3 million for employment-related child care and served 302,439 children; \$587.5 million went to subsidized child care. Average annual cost per child was \$3,090. To qualify (but not be guaranteed service) a family had to earn less than 50% of the 1997 median income. Average monthly co-payment per family was \$68. (20 ILCS 505/5.15; April 2004, 39 pp.)

Report on TANF program by racial or ethnic group, biennial report, 2003

Provides baseline data sorted by racial or ethnic group. As of December 2003, 89,234 persons (36,205 cases) were receiving TANF benefits. Of these, 56 persons (14 cases) had reached their 60-month lifetime limit on receiving assistance; 1,974 persons

(652 cases) had left TANF due to earned income; and 2,653 persons (2,620 cases) were participating in post-secondary education activities. Future data will be compared against baseline in areas such as the child exclusion rule, and exit from and return to TANF due to income changes. (305 ILCS 5/4-23; Dec. 2003, 11 pp.)

Illinois Law Enforcement Training and Standards Board

Mobile Team Training Units annual report, FY 2003

The 16 units trained 55,536 police officers and criminal justice professionals at an average cost of \$130. Total expenditures of \$7.2 million came from federal, state, and local funds. The units offered 118 mandatory firearm courses to 518 officers. A ten-year review of mobile team unit operations is provided. (50 ILCS 760/6; Jan. 2003, 13 pp.)

Legislative Audit Commission

Annual report, 2003

Commission acted on 202 compliance and financial audit reports, giving special attention to agencies' internal controls, monitoring of computer systems, monitoring of contract recipients, operating within statutory requirements, protecting the state's interest, and collection of receivables. Commission reviewed five performance audits on: (1) state agencies' responsibilities for group workers' compensation self-insured pools; (2) review of Teachers Academy for Mathematics and Science; (3) review of State Toll Highway Authority; (4) effectiveness of Department of Human Services' Office of Inspector General in investigating reports of abuse and neglect; and (5) review of Village of Robbins' use of municipal economic development funds. It reviewed 129 emergency purchases, monitored quarterly reports of the 10 travel

control boards, audited the Auditor General's Office, and published a revised Purchasing Laws booklet. (25 ILCS 150/3; March 2004, 37 pp.)

Motor Vehicle Theft Prevention Council

Annual report, 2003

Total FY2003 expenditures were \$11.29 million. Total 2004 grant awards were \$5.6 million. Eighty-one percent of stolen vehicles were recovered in 2002. Arrests have increased by 6% since 1991 to 11,536 in 2002. Council aims to reduce vehicle theft, insurance fraud, and motor vehicle theft-related crime in Illinois. Since 1991, annual motor vehicle theft offenses dropped 40%, annual theft rate decreased 45%, and Illinois dropped to 7th in country for vehicle theft occurrence. (20 ILCS 4005/7(g); March 2004, 22 pp.)

Public Aid Dept.

Inspector General's annual report, 2003

During FY2003 the IG realized savings of approximately \$42.8 million through collections and cost avoidances. Enforcement activities saved approximately \$30.4 million through provider audits, client fraud investigations, HMO marketing misconduct, provider sanctions, medicaid quality control reviews, food stamp disqualifications, physician peer reviews, internal investigations, and fraud science team. Prevention activities saved approximately \$12.4 million through recipient restrictions, fraud prevention investigations, food stamp disqualifications/cost avoidance, medicaid fraud prevention executive workgroup, fraud science team, and payment accuracy review measurement. Performing 797 audits of medical providers resulted in the collection of over \$27.5 million in overpayments. Collection of provider and/or client restitutions yielded over \$403,000. The "Refill Too Soon Program" provided an

estimated savings of over \$83.9 million. Provider sanctions resulted in over \$606,000 in cost savings and over \$15,000 in cost avoidance. Performing 1,171 client eligibility investigations resulted in 783 food stamp disqualifications, and the identification of an estimated overpayment of over \$2.2 million in grant and food stamps and over \$137,000 in medical payments. Fifty-two child care investigations identified over \$408,000 in overpayments, with over \$27,000 in restitutions ordered. Sixty-four client prosecutions for over \$419,000 in overpayments resulted in over \$221,000 in restitutions ordered and 37 convictions. Medical Abuse Investigations resulted in over \$499,000 in cost avoidance for 2003. (305 ILCS 5/12-13.1; March 2004, 26 pp.)

State Fire Marshal

Annual report, 2003

Illinois fire-related deaths were 162, including 4 firefighters. There were 1,026 arson investigations which led to 130 arrests. The Office conducted 41,018 boiler and pressure vessel inspections; 15,047 fire safety inspections; issued 3,504 self-service station permits to gas stations; and surveyed hospitals after July 4 on fireworks injuries. The Office administered 12,241 examinations and issued 8,840 firefighter certificates. (50 ILCS 740/13; March 2004, 26 pp.)

Transportation Dept.

Annual report on rented parcels, FY 2003

DOT's Bureau of Land Acquisition rents parcels of land pending use for highway construction projects. In FY 2003, the Bureau rented out 338 land parcels, 43 with building improvements, for a total revenue of \$1,379,617. (605 ILCS 5/5-201.16; July 2003, 3 pp.)

Devlin named Associate Director



Bridget Devlin was appointed Associate Director of the Legislative Research Unit, effective June 20, 2004, filling a position that became vacant in 2001 with the retirement of Jerry Gherardini. Ms. Devlin served for three years on the staff of Senate President Emil Jones, Jr., working on appropriations and later as administrative assistant to Chief of Staff Courtney Nottage. Ms. Devlin also has experience as the mediation and arbitration administrator for a former federal court judge, and managing the securities department of a large real estate investment company.

As Associate Director, Ms. Devlin will have primary responsibility for several LRU program areas including: appointment tracking, federal aid tracking and reporting, several publications, the New Members' Conference, the District Office Staff Conference, graphics and layout of LRU publications, and various staff support functions.

FIRST READING

A publication of the Legislative Research Unit

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