



FIRST READING



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MAJOR BILLS PASSED BY THE ILLINOIS GENERAL ASSEMBLY

This issue of *First Reading* summarizes bills as they passed both houses of the General Assembly, and reports the Governor’s actions on them to date. A total of 460 bills passed both houses in the spring 2012 session. This issue also summarizes the most important bills that passed the General Assembly during the fall 2011 veto session, which occurred after the last bill summary issue of *First Reading* was published in September 2011 (Volume 25, No. 1), and became law. These bills are presented in the appropriate categories, alongside bills that passed both houses during the spring 2012 session. This issue summarizes 224 bills of general interest, classified into 13 categories.

Major bills that passed both houses call for expanded riverboat and land-based casinos; changes in public aid, state employee medical care, and other programs to address budgetary shortfalls; and regulatory changes to finance modernization of two major electric suppliers’ distribution systems.

Other bills will require hospitals to provide care for low copayments to persons with low or moderate incomes; allow military personnel transferred to Illinois to get temporary professional licenses if licensed in other jurisdictions; authorize RICO-like prosecution of some kinds of criminal enterprises; and abolish General Assembly scholarships.

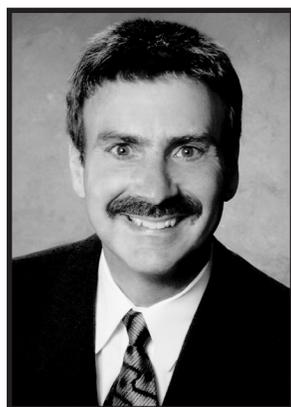
Page 30 of this issue gives Public Act numbers for laws resulting from bills summarized here. Information on all bills of the 2012 session is available at the Illinois General Assembly’s Website:

www.ilga.gov

Legislative Research Unit Co-chairs



Representative
Sara Feigenholtz



Senator
Larry Bomke

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APPROPRIATIONS & STATE BUDGET

The state's operating budget for fiscal year 2013 is \$62.7 billion—\$1.5 billion over FY 2012's \$61.2 billion. Appropriations from the General Funds declined 1.6%, from \$29.6 billion to \$29.1 billion.

Three resolutions (H. Res. 707, S. Res. 586, and H.J.R. 68) provided identical estimates of General Funds revenues for the FY 2013 budget, totaling \$33.719 billion. House Resolution 706 provided amounts to be appropriated for non-discretionary purposes (pension and Medicaid payments, debt service, unpaid bills, and statutory transfers), and allocated the remaining funds among the five House appropriations committees. (Total allocations exceed the revenue estimate by \$650 million, based on a projection that about \$650 million of the total would be unspent at the end of the fiscal year.) A similar House Joint Resolution (H.J.R. 69) passed the House but was not considered in the Senate.

The state's operating budget for FY 2013 was passed in six bills. The Governor put item vetoes on one item and reduction vetoes on several others (mostly for closing or repurposing corrections and juvenile justice centers), totaling \$56.9 million. The General Assembly has not yet acted on those vetoes.

The General Funds budget includes about \$5.2 billion for the state's retirement systems—up by a total of about \$855.8 million (SURS up \$417.9 million, TRS up \$272.5 million, SERS up \$137.2 million, JRS up \$24.6 million, and GARS up \$3.6 million).

Other agencies getting the largest dollar increases are Healthcare and Family Services (\$2.78 billion, 18.6%); Comptroller (\$262.4 million, 239%); Lottery (\$92.9 million, 9.8%); and Revenue (\$75.5 million, 10.7%).

The Department of Healthcare and Family Services (DHFS) increase is mostly for paying down old Medicaid

bills (about \$1 billion); spending new funds from higher cigarette taxes and a new hospital assessment; and about \$245 million more for prescription drug rebates. DHFS General Funds appropriations for Medicaid bill payment are approximately equal to last year's. The increase to the Comptroller is to reduce the unpaid bills backlog using a dedicated fund; appropriations for the office's operations actually declined. The Lottery increase (not from General Funds) is mostly for prize payment authority for multistate games and for game development, promotion, and advertising under the agreement with the Lottery's private manager. The Department of Revenue increase (also not from General Funds) is mostly for authority to distribute tax revenues to local government agencies, and for Housing Development Authority grants for affordable housing.

The agencies with the largest dollar decreases are Central Management Services (-\$1.53 billion, -30.1%); State Board of Education (-\$759.4 million, -7.4%); Commerce and Economic Opportunity (-\$237.6 million, -12.0%); Children and Family Services (-\$85.6 million, -6.8%); and Student Assistance Commission (-\$76.2 million, -9.0%).

Most of the CMS decrease is for the state employees' group health insurance program (about -\$1.43 billion). The ISBE decrease is largely due to expiration of federal stimulus funds; a \$160 million cut in General State Aid; and many across-the-board cuts. The DCEO decrease is mostly due to expiration of federal stimulus funds for energy and workforce training programs, and General Funds reductions for operations and grants for job training programs; increased appropriations from non-General funds are mostly to pay

FY 2012 low-income energy assistance obligations in FY 2013. The DCFS decrease is largely from cuts to private organizations that contracted with the Department, and reductions in functions not mandated by state or federal laws or court decrees. DCFS estimates it will eliminate about 375 personnel positions. The ISAC decrease is primarily due to elimination of some federal funds for scholarships, grants, and student loan fees, and reduced General Funds for Monetary Award Program grants (which in FY 2012 included funds held in reserve from FY 2011).

Elementary and secondary education gets about \$487 million less (-3.8%) from all funds—primarily due to the \$519 million decrease in federal funds for the ISBE. Local education's share of the total budget slipped from 20.9% to 19.6%, although its share of General Funds rose from 31.3% to 32.0%. The Foundation Level per student will remain at \$6,119, although the effective amount per student will decline \$220 to \$5,733.

State and university appropriations from all funds rose about \$250 million due to the increase for SURS, even though appropriations for each university fell. The percentage of the total state budget going to higher education rose from 5.9% to 6.1%; higher education's percentage of General Funds appropriations grew from 9.6% to 11.1%.

Capital appropriations (mostly re-appropriations) are about \$25.2 billion, and General Obligation Bond authority was increased by about \$1.6 billion for rail, mass transit, and highway projects.

Total appropriations for operations were about \$1.7 billion (2.8%) over the

Governor’s budget recommendation; General Funds appropriations were about \$800 million (-2.7%) below his recommendations.

The General Assembly also passed bills to impose furloughs on legislators in FY 2013; appropriate added funds for FY 2012, including changing the distribution of Medicaid appropriations; limit Medicaid bills that can be paid in fiscal years other than the one in which they were incurred; and extend the lapse period for paying FY 2012 bills. □

Thomas J. Bazan
Senior Research Associate

(Key: * item vetoed † reduction vetoed)

Budget

- P.A. 97-726**, enacted by S.B. 2378 (Steans-J.Sullivan-Trotter—Madigan).
- P.A. 97-727**, enacted by S.B. 2409 (Kotowski-Steans—Madigan).†
- P.A. 97-728**, enacted by S.B. 2413 (Kotowski-Steans—Madigan).
- P.A. 97-729**, enacted by S.B. 2443 (Kotowski-Steans—Madigan-Dunkin).
- S.B. 97-730**, enacted by S.B. 2454 (Steans-J.Sullivan-Trotter—Madigan).
- P.A. 97-731**, enacted by S.B. 2474 (Kotowski-Steans—Madigan).*†

FY 2012 Supplemental Appropriations

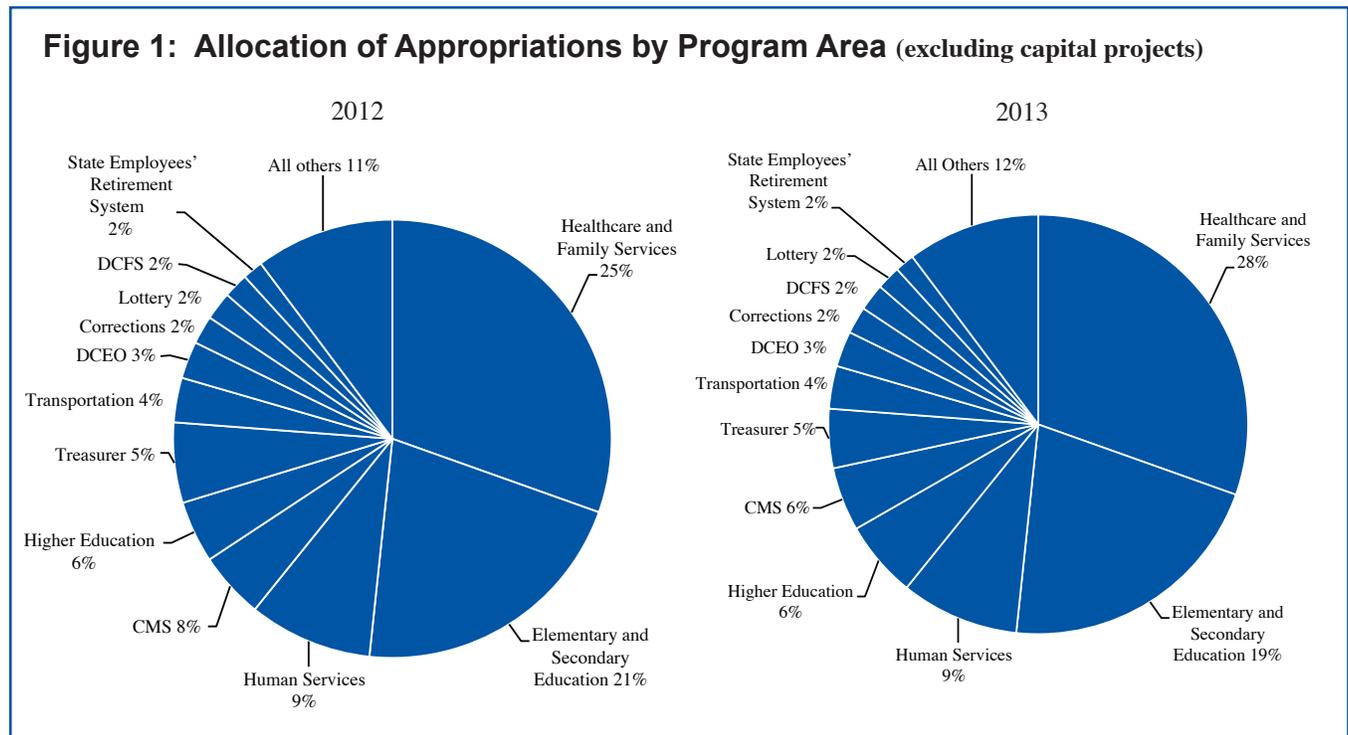
- P.A. 97-684**, enacted by S.B. 2450 (Steans-J.Sullivan-Trotter-J.Collins et al.—Madigan-Feigenholtz-Dunkin-Dugan-M.Davis et al.).
- P.A. 97-685**, enacted by S.B. 2348 (Steans-J.Sullivan-Trotter—Madigan).

Capital Reappropriations

- P.A. 97-725**, enacted by S.B. 2332 (Kotowski-Steans-Trotter—Madigan).*

Budget Implementation

- P.A. 97-732**, enacted by S.B. 3802 (Steans—Currie).



BUSINESS & ECONOMIC DEVELOPMENT

The General Assembly enacted a “Smart Grid” law intended to allow ComEd and Ameren to modernize their electric delivery systems. Legislators also voted to fight copper theft and telephone bill “cramming;” bar employers from asking for job applicants’ social-networking passwords; and increase state collection and posting of data on the state’s economy.

“Angel” Credit; Law Re-Enacted.

Investments in a qualified new business venture are eligible for the “angel” investment tax credit only if the business was certified by the Department of Commerce and Economic Opportunity (DCEO) before the investment was made. Existing requirements that businesses seeking certification have fewer than 100 employees, not have been in operation in Illinois more than 10 consecutive years, and not have over \$10 million in private equity investments will apply at the time of first certification, not in each year of certification. The Business Location Efficiency Incentive Act is re-enacted, and all actions taken under it are validated, to ensure that its extension from 2011 to 2016 by P.A. 97-636 (effective June 1, 2012) is valid (S.B. 3619, Kotowski—Biss-Gabel).

Benefit Corporations. A for-profit corporation can become a “benefit corporation” if the owners of at least two-thirds of each class of shares consent. It will then have the purpose, in addition to its business purposes, of creating general public benefits. Its board must include a “benefit director” who will report to the public on whether it has created public benefits. But claims for failure to create such benefits may be brought only by the corporation itself or persons with significant ownership interests in it, and no damages can be awarded for failure to create benefits. Such a corporation must report annually to shareholders and the public on benefits it created (S.B. 2897, Frerichs-Noland-J.Collins et al.—Feigenholtz-Sente-Mathias-May et al.).

Business Incentives; Low-Income Energy Aid. DCEO must annually survey Illinois businesses (except retail,

health, and professional services firms) on what incentives they need; and businesses that have left Illinois to see why they left, where they went, and what would have kept them, and report to the General Assembly. DCEO must annually ask Illinois’s major universities with engineering schools to summarize any engineering internship, externship, or residency programs, and forward the information to nearby manufacturing firms that could benefit. It must annually request a summary of federal, state, and local economic benefits available in each county or municipality that links to its Website, and list them on the site. It must post on the site each entity from which developmental assistance funds were recaptured, and the reasons, date, and amount recaptured. The last day that DCEO can offer low-income energy assistance to persons with incomes between 150% and 200% of the federal poverty level (or the federal limit on such aid) is extended from mid-2012 to mid-2013 (H.B. 1882, Moffitt-G.Harris-Franks-Morthland-Dugan et al.—Raoul).

Consumer Finance. Numerous changes are made to the High Risk Home Loan Act to comply with the federal Dodd-Frank Wall Street Reform and Consumer Protection Act (2010). Balloon payments on high-risk home loans are prohibited, as are all prepayment penalties on them (formerly limited to some kinds of prepayments in the first 3 years of a loan). Some late fees and loan modification fees are restricted.

The Tax Refund Anticipation Loan Reform (formerly “Disclosure”) Act is changed to include in the definition of “refund anticipation loan” a loan secured by a tax credit, or the buying of a tax credit at a discount. Interest on



a refund anticipation loan charged by a lender (other than a financial institution with a national or state charter) may not exceed a 36% annual rate. A refund loan facilitator must post a fee schedule and disclosures about those loans. Activities prohibited in making or facilitating refund loans include charging unauthorized fees; requiring borrowers to waive their rights or assign their wages for payment; taking a security interest in a consumer’s property to secure payment; and engaging in collection of an outstanding refund anticipation loan for a creditor. Violation of the Act (formerly a petty offense) becomes an unlawful practice under the Consumer Fraud and Deceptive Business Practices Act (S.B. 1692, J.Collins-Cullerton—Zalewski-Ramey et al.).

Copper Buyers. Dealers in recyclable metals must obtain and keep for 2 years information on the identities of persons from whom they buy any amount of metal containing copper for recycling (formerly at least \$100 worth) (H.B. 4013, M.Davis-Rita-Jackson—Martinez-Trotter). Dealers in recycled metals must photograph each seller and the material sold, regardless of value, and record purchases using electronic recordkeeping systems in lieu of forms provided by the State Police. Purchase records must be kept 3 years (was 2); but photographs need be kept only 3 months and video recordings only 1 month. Metal products clearly marked as another’s property, or by nature being government or utility property (such as guardrails, cemetery plaques, and railroad parts), and any catalytic converter not attached to a vehicle,

may be sold only if the seller has documents showing ownership or (for a catalytic converter) is a licensed automotive parts recycler or scrap processor. Dealers may not pay cash for air conditioner coils, or for copper worth at least \$100. A dealer who suspects that materials bought were lost or stolen must immediately notify police and provide the seller's information (H.B. 3825, Unes-Beiser-Burke-Cunningham-Reis et al. — Frerichs-J.Sullivan-Crotty-Koehler-LaHood et al.).

Debt Buyers (businesses that buy delinquent or written-off consumer debt for collection) are subjected to most provisions of the Collection Agency Act (H.B. 5016, Lang-Zalewski-Connelly-Mathias — Dillard-Silverstein).

Economic Data Study. A new Economic Data Task Force within the Department of Employment Security (DES) will have 11 members: the DES Director (chairing it); one each appointed by the Governor and the top legislative leaders; and five having specified qualifications appointed by the Director. It will analyze the feasibility and benefits of expanding public access to the Department's data, and hold at least three public hearings. It is to post information on its Website and report to the Governor and General Assembly by mid-2013, then be dissolved (H.B. 5444, Biss — Steans).

EDGE Agreement Disclosure. DCEO's Website must post each new Economic Development for a Growing Economy (EDGE) tax credit agreement (H.B. 3934, Franks — Garrett et al.).

Farmers' Markets Indoors. DCEO is to encourage convention centers to offer space at reduced rates to farmers' markets when weather prevents holding them outside (H.B. 5893, Kosel-Bost-Verschoore — Koehler-Luechtefeld).

Film Production Tax Credit. To be eligible for the credit as a labor cost, money no longer need be paid in or within 60 days after the tax year for which a credit is claimed. Application

may be made for credit for an "accredited animated production" that began after June 30, 2010, but the credit cannot be claimed for a tax year ending before December 31, 2012 (S.B. 1286, Jacobs et al. — Verschoore-Saviano-Dunkin-Moffitt et al.).

Insurance on Portable Electronics. Portable electronics vendors, licensed to sell insurance on such products, no longer must send lists of locations where they offer coverage to the Department of Insurance, but must keep and provide records to the Department on request. An insured customer who provides an e-mail address is deemed to consent to get required policy notices by e-mail (H.B. 5047, M.Davis-Golar et al. — Haine).

Internet Dating Safety. Internet dating services must provide a list of dating safety measures to each Illinois member, and clearly disclose whether they do criminal background checks on members. If a service screens members, it must disclose whether it allows members with criminal convictions to communicate with Illinois members, and describe limitations of criminal background checks (S.B. 2545, Silverstein-Lightford — Mussman et al.).

Job Applicant Privacy. Employers may not ask or require employees or job applicants to disclose social networking passwords or other account information (H.B. 3782, Ford-Fortner-Flowers-M.Davis et al. — Radogno-Harmon-J.Collins-Dillard-Righter et al.).

Merchandise Crates. A buyer of at least five plastic bulk merchandise containers (such as plastic crates or pallets) from any one seller must get identification and transaction records from the seller. A buyer paying at least \$5,000 for such containers from one seller within 7 days must get proof of ownership from the seller (S.B. 3201, Dillard-Noland et al. — Lyons-Schmitz-Berrios-Ramey-Bellock et al.).

"Smart Grid" Law. P.A. 97-616 created a large-scale electricity infrastructure and Smart Grid investment program for ComEd and Ameren. A related law, P.A. 97-646, added to some program requirements by, among other things, requiring those companies to contribute to low-income customer programs and raising penalties for failure to create jobs or meet performance goals.

Major provisions. ComEd and Ameren may participate in a 10-year electric infrastructure improvement program. If so, they may each file for Illinois Commerce Commission (ICC) approval a performance-based formula rate specifying cost components, including a cost-of-equity component prescribed by law, and use it to adjust rates annually. The ICC may rule on the reasonableness of annual costs submitted by the utilities.

As a condition of participation, ComEd must invest \$1.3 billion over 5 years in electric system upgrades (including reducing storm outages); invest \$1.3 billion over 10 years in Smart Grid upgrades; and increase jobs by 2,000 in the peak year of the program. Ameren must invest over 10 years \$265 million in electric upgrades and \$360 million in Smart Grid upgrades, and add 450 jobs. The ICC may charge \$6,000 per job not created, and cease annual rate adjustments if investments are not made. The utilities must file performance goals and measures with the ICC; failure to meet them will result in reduced returns on equity. The two utilities must contribute a total of \$60 million to low-income customer assistance programs. If either utility's average annual residential rate increase in the 3 years through May 2014 exceeds 2.5%, its participation in the program will end.

Each utility must file with the ICC a Smart Grid Advanced Metering Infrastructure Deployment Plan for investments over 10 years to improve its electric grid and provide smart meters to all ComEd customers and 62% of

(continued on p. 23)

CIVIL LAW

Legislators voted to offer relief for persons on active military duty in 12 types of financial or government matters; authorize state and federal judges to require state and local agencies to keep their addresses and other personal data confidential for their protection; and allow children in foster care to be adopted more quickly by their foster parents if the court approves. Other bills that passed both houses will make major changes in the law of trusts and powers of trustees.

Adoption. The normal minimum numbers of months that a child must have been in foster care to be adopted by the foster parents can be waived by a judge if in the child's best interest. More explanation will be required in forms on which parents consent to adoption, and a pamphlet explaining adoption must be written. The Adoption Registry Advisory Council and Confidential Intermediary Council will be abolished next January 1 and replaced by a new Adoption Advisory Council, with many members representing organizations involved in adoption (H.B. 4028, Feigenholtz et al. — Koehler-Trotter-Lightford).

Cameras in Courts; Arbitration. A provision allowing a person to refuse to testify before a tribunal if the testimony will be broadcast will no longer apply to courts. A section directing the Illinois Supreme Court to study mandatory court-annexed arbitration is repealed (S.B. 3726, Harmon et al. — Zalewski).

Divorce. Dissipation and child support. A spouse in divorce proceedings filed after this act takes effect, who claims that the other spouse dissipated assets, must give notice and specified information about the claim before trial; no claim of dissipation can apply to a time more than 5 years before the filing for divorce or (apparently) more than 3 years after the spouse claiming dissipation knew or should have known of it. The obligation of divorced parents to support their children is changed by explicitly mentioning educational needs; listing "mental"

needs as a possible basis for deviating from the child support guidelines; and stating that the court may order either or both parents to help pay out-of-pocket expenses such as child care, education, and extracurricular activities in addition to the guideline amounts (S.B. 2569, Mulroe—Soto).

Support orders. If a person held in contempt for not complying with a support order has a business or is self-employed, the court may order the person to do one or more of the following among other sanctions: (1) provide monthly statements of income and expenses; (2) seek employment and report periodically to the court on job search efforts; and (3) report to the Department of Employment Security for job search services to find employment (S.B. 3549, Dillard-Lightford et al. — Pihos-Connelly-Bellock-Hays et al.).

Guardianships; Probate Fee. Miscellaneous. An alternative procedure for seeking to have a guardianship modified or revoked (with a lower burden of proof on the movant) is added. A judge appointing the State Guardian as guardian for someone is to state on the record why that is preferable to appointing an interested party. Circuit clerks will charge a fee of \$100 per estate administered (except for public agencies and indigent persons) to fund guardianship and advocacy (S.B. 3592, Silverstein—Feigenholtz et al.).

Public guardian. An order adjudicating a person disabled and appointing any kind of guardian is not to be



suspended or stayed pending post-judgment motions except by the court (S.B. 3594, Silverstein—Feigenholtz).

Ward's property. A public guardian need not maintain insurance on a ward's property if the court finds insufficient equity in the property, insufficient funds of the estate to buy insurance, or another fact making the property uninsurable (S.B. 3593, Silverstein—K.Burke).

Health-Care Subrogation. If a person's ability to recover damages for personal injury or death is limited by either comparative fault or an insurer's liability limit, then any claim of being subrogated to that person's rights is to be diminished proportionately—except claims under the Workers' Compensation Act, Workers' Occupational Diseases Act, or Health Care Services Lien Act, and claims for uninsured or underinsured motorist coverage (H.B. 5823, Thapedi-Bradley-Soto-Jefferson-Flowers et al. — Mulroe).

Human Rights Act Subpoenas. The Attorney General may file a petition in the proper court seeking to enforce a subpoena under the Act. A person against whom a subpoena has been issued under the Act can file a petition in court challenging the subpoena (S.B. 3677, Delgado—Hernandez).

Income Withholding for Support. The exposure of a payer of income that fails to withhold as required is

limited to \$10,000 per incident, and a 1-year limitation period for actions to collect is imposed. A person who should be receiving support by income withholding, but is not, must notify the payer by certified mail, return receipt requested. A payer that receives such notice and has no defense to payment must pay within 14 days or be charged 9% interest (H.B. 5221, Pritchard-Cross—Silverstein).

Judicial Privacy. Any state or federal judge can ask a state agency, local government, or school district not to post or otherwise provide to the public (including disclosing under the state Freedom of Information Act) information on the judge such as postal and e-mail address, identities of minor children, Social Security number, and financial account details. Such requests can be aggregated by the Administrative Office of the Illinois Courts and sent to agencies. If the governmental entity does not comply, the judge can seek an injunction against it. A judge seeking retention can have the judge's home address deleted from the declaration of candidacy. A judge's home address can be replaced with an office address on a driver's license. A judge can make a request for nondisclosure of personal information to a private organization, with similar effects. Trafficking in or posting such personal information with intent to threaten a judge will be a Class 3 felony even without a request from the judge (H.B. 5877, Madigan-Lang-Nekritz—Cullerton).

Landlord and Tenant. A lessor's statement to a former tenant of itemized damages that the lessor intends to charge against the tenant's security deposit may be sent to a verified e-mail address of the former tenant (H.B. 5314, Barickman—LaHood).

Mechanics' Liens on nonresidential property will apply to work done within 5 years (now 3) after the work

begins. But this extension of time is to sunset 3 years after this act takes effect (S.B. 3792, Althoff—Tryon-Cole-Bellock).

Military Service Member Relief. An Illinois Service Member Relief Act will add legal protections for those in active military duty in the following areas: (1) cellphone contracts; (2) long-distance telephone service bought by the state to help them communicate with their families; (3) public utility shutoff; (4) life insurance lapse or forfeiture; (5) interest rate regulation; (6) automobile lease termination; (7) residential lease termination; (8) stays of contested administrative cases; (9) relief from default judgments; (10) protection from retail installment sale repossessions; (11) protection against foreclosure; (11) stays of prosecution in civil matters; and (12) tuition refunds or credits (S.B. 3287, Muñoz-Kotowski-Dillard et al.—Nekritz-Watson-Hernandez-Dugan-Walsh et al.).

Mortgage Foreclosures and "Short Sales." If mortgaged real estate is in foreclosure, and the borrower sends the lender a third party's written offer to buy the property for less than is owed on it and asks the lender to consent to the sale, the lender must respond within 90 days. But the foreclosure will not be stayed during that time (S.B. 1259, Silverstein-J.Collins—Currie-Sente-Ford-Thapedi-Turner et al.).

Post-judgment Debt Collection. More detail is specified for proceedings to discover whether a judgment debtor has nonexempt income or assets that can be taken to pay a judgment, including a detailed form that must be served on the judgment debtor to be filled in. These changes apply only to proceedings begun after this act takes effect. No body attachment may occur unless the respondent has had an opportunity to appear in court

and answer. No changes in this act apply to proceedings to collect fines for ordinance violations or nonmoving vehicle offenses (H.B. 5434, Williams-Phelps-Jackson-Mathias-Hernandez et al.—Haine).

Setoff for Circuit Clerks' Claims. Circuit clerks are added to the entities (including the state, its universities, and local governments) that can collect on claims by having the State Comptroller deduct money from state payments to those owing the money (S.B. 180, Haine—Reboletti-Lang).

Trusts (I). A provision added to the Trusts and Trustees Act allows an independent trustee who has any discretion to distribute trust principal to distribute part or all of it to a trustee of a second trust for the benefit of some or all current beneficiaries of the first trust, after giving notice to all beneficiaries who are legally competent. If they do not object, no court order will be needed to create the second trust. If a charity is a beneficiary, notice must also go to the Attorney General's Charitable Trust Bureau (H.B. 4662, McAsey—Dillard).

Trusts (II). The Trusts and Trustees Act is amended to authorize new roles of "investment trust advisor," "distribution trust advisor," and "trust protector"—each described as a "directing party." A "trust protector," if designated by a trust instrument, will have broad powers to control the trust and even modify beneficiaries' interests or terminate the trust. But if a charity is a current beneficiary of the trust, the trust protector must notify the Attorney General's Charitable Trust Bureau at least 60 days before taking some of those actions (H.B. 4663, McAsey—Silverstein). □

Robert M. Rogers
Staff Attorney

CRIMINAL LAW

Legislators voted to raise penalties for crimes involving oxycodone, related drugs, and many Schedule I controlled substances, and to expand a pilot program for tracking purchases of methamphetamine precursors to apply statewide. An Illinois version of the federal Racketeer Influenced and Corrupt Organizations law will authorize prosecution of persons for operating some kinds of criminal enterprises. Prohibitions on parents' allowing children to hold liquor parties in their homes will be stricter. The Criminal Code of 1961 becomes the Criminal Code of 2012, with a number of provisions transferred between it and other laws.

Abuse or Removal of Corpse. Engaging in sexual conduct with a corpse will be a Class 2 felony. Removing a corpse without authorization by law will be a Class 4 felony unless done by persons such as medical personnel and funeral directors in the practice of their professions (H.B. 5122, Beiser-Sacia-D.Brady—Haine).

Caustic Substance Purchases Exemption. The requirement to provide identification and sign a log before buying corrosive or caustic substances will not apply to household products such as cleaners (H.B. 4523, Gaffney-Morthland-Sosnowski-DeLuca et al.—Althoff).

“Caylee’s Law;” Threatening Social Workers. A parent, guardian, or caretaker who knows or should know that a child under 13 is dead or missing, but fails to report to law enforcement within 24 hours (1 hour if the child is under age 2) commits a Class 4 felony. Separately, a parent, guardian, or caretaker who fails to notify law enforcement in the county where a child’s body is found, although reasonably believing that the death was due to homicide, accident, or other suspicious circumstance, will commit a Class 4 felony. Exceptions apply if failure to report was due to factors beyond the adult’s control such as an act of God, inability of a law enforcement agency to receive a report, or physical or mental impairment, or the adult knew that the child was under the care

of another parent, family member, or sitter. Parents, guardians, or caretakers who report materially false information to law enforcement or other government agencies in an investigation of a child’s death or disappearance commit obstructing justice, also a Class 4 felony. A prohibition on threats to social workers, caseworkers, and investigators is narrowed to prohibit only threats specifically directed at them or their families or property (S.B. 2537, Silverstein-J.Collins-Bomke-Martinez et al.—Franks-Costello-Gordon-Reboletti-Mathias et al.).

Child Pornography. The definition of this crime is expanded so it can be charged whether or not the child photographed was at least 13; and the crime of aggravated child pornography (formerly committed if the child photographed was under 13) is replaced with higher penalties for child pornography if the child was under 13 or met other criteria (H.B. 5235, McAsey-Mussman-Costello et al.—Mulroe et al.).

Child Sex Offenders cannot participate in holiday events involving children, except in a home when the offender’s children are present but non-family minors are not. Such behavior includes distributing Halloween candy and dressing as Santa Claus or the Easter Bunny. Violation is a Class 4 felony. Criminal sexual abuse of a teenager by a person less than 5 years



older will not make the perpetrator a child sex offender for this purpose (S.B. 3579, Dillard-Martinez et al.—Pihos).

Criminal Code Revisions. The Criminal Code of 1961 is changed to the Criminal Code of 2012, with several section reassignments and some minor substantive changes. They include adding “knowingly” to the elements of many crimes, and raising the standard for commission of perjury from making under oath a statement that one does not believe to be true to making a statement that one knows to be false. Several other criminal laws on specialized topics such as harassing communications, bail bonds, and dangerous animals are repealed and recreated in the new Criminal Code. The Legislative Reference Bureau is directed to move 22 other criminal acts from chapter 720 of the Illinois Compiled Statutes to other chapters dealing with their specific subjects (H.B. 2582, Durkin-Golar-Ramey-Mayfield-Sacia—Dillard-Millner et al.).

Criminal Records that have been sealed by the Department of State Police can be disseminated only to the arresting authority, the state’s attorney, and the court after a later arrest for the same or a similar offense or for sentencing for any later felony. The Department may not keep records of a conviction if the Governor issued a pardon and authorized expunction (S.B. 3433, T.Johnson-J.Collins-Hunter-Lightford—Cassidy-Ford-Howard-Mayfield-Turner et al.).

Criminal Records; Child Sex Offender Expansion. An arrest record for reckless driving committed before age 25 can be sealed or expunged by a court after the offender turns 25 if the offender has no other convictions for reckless driving or for DUI. The list of crimes that make a person a “child sex offender” (whose place of residence and presence near schools or other places where children gather are restricted) is expanded by adding several prostitution-related and other sex crimes involving minor victims (S.B. 3258, Martinez-J.Collins et al.—Penny-Costello-Dugan-Beiser et al.).

Driving Offenses. Driving after suspension or revocation. Vehicle seizure and forfeiture—already authorized for driving after one’s license is suspended or revoked due to DUI, leaving the scene of an accident involving injury or death, lack of consent to drug or alcohol testing, or reckless homicide, if one of those acts occurred in Illinois—is authorized if the person committed one of those acts in another state (H.B. 4863, Hammond-Osmond—J.Sullivan).

License revocation for drug possession; vehicle dealer offenses. The Secretary of State is to revoke the driver’s license of anyone convicted of repeat illegal possession of a controlled substance, cannabis, or methamphetamine while driving (whether or not within 5 years after a previous such conviction). Vehicle dealers’ licenses may be revoked or suspended for failure to pay a fine or fee assessed by the Secretary of State within 90 days. The Secretary of State can issue administrative citations for up to \$50 for violations by vehicle dealers, in lieu of criminal complaints (H.B. 5493, Beiser—Sandoval).

Drugs. Heroin; scented tobacco papers. The minimum amount of heroin whose making, delivery, or possession with intent to deliver is non-probationable is reduced from 5 grams to 3. Tobacco papers or leaves scented with any flavor except tobacco or menthol are banned;

selling them will bring a fine of \$100 to \$1,000 (H.B. 3801, Reboletti-Costello et al.—Raoul-Millner-McGuire-J.Collins-Holmes et al.).

Hydrocodone and oxycodone. Unauthorized making, delivery, or possession with intent to deliver at least 100 grams of any substance containing hydrocodone, oxycodone, or a chemically related substance becomes a Class X felony subject to a fine up to \$500,000. If the amount is 50-99 grams, it will be a Class 1 felony subject to a fine up to \$250,000 (H.B. 5250, Cunningham-Reboletti-Connelly-Bellock et al.—Clayborne et al.).

Meth offender treatment. A first-time offender possessing under 15 grams of methamphetamine can choose a drug treatment program unless otherwise ineligible for probation (S.B. 3423, T.Johnson-Raoul-Hunter et al.—Rose-G.Harris-Golar-Watson et al.).

Meth precursor buying. A person found to have committed a meth crime can never again legally buy or possess a methamphetamine precursor such as pseudoephedrine except by prescription; violation will be a Class 4 felony (H.B. 5606, Brauer-Phelps-Poe-Chapa LaVia-J.Mitchell et al.—Forby-Haine et al.).

Meth precursor tracking. When a pharmacy sells a “targeted methamphetamine precursor” (pseudoephedrine, ephedrine, or a related compound), it must send a record electronically to a State Police database. Violation will bring the pharmacy a fine of \$500 (first offense in 3 years) to \$5,000 (third or further offense in 3 years). The violating employee will commit a Class A misdemeanor if a first offense, Class 4 felony if a second offense, or Class 1 felony if an additional offense. Information in the database can be provided to law-enforcement agencies investigating drug crimes (S.B. 73, Haine-Forby—Costello-G.Harris-Beiser-Phelps et al.).

Synthetic drugs. Possession with intent to distribute a synthetic drug—defined to include a large number of hallucinogens and other Schedule I controlled substances, nearly all of which must be synthesized—or of any drug that is misbranded will be a Class 2 felony and can bring a fine up to \$100,000 (\$250,000 if a repeat offense). Falsely advertising a synthetic drug becomes a Class 3 felony that can bring a fine up to \$100,000. Crimes involving synthetic drugs or human growth hormone can result in forfeiture of equipment, vehicles, and real estate used to commit them (H.B. 5233, Costello-Beiser-Mussman-Yarbrough-Reboletti et al.—Raoul et al.).

Eavesdropping in Drug Investigations. With prior consent by the state’s attorney based on “reasonable cause” to expect a drug crime to be committed, conversations to which a designated law enforcement officer (or designated person acting at the officer’s direction) is a party can be recorded and the results used as evidence of a drug crime or forcible felony related to the drug investigation. No other uses of such recordings are authorized (H.B. 4081, Gordon-Zalewski et al.—Haine-Radogno et al.).

Elderly or Disabled Exploitation. Acts constituting the crime of intimidation (including threatening physical harm) are added as kinds of acts constituting intimidation for purposes of the crime of financial exploitation of a person who is elderly or has a disability. Paid or unpaid caregivers are added to the categories of persons who are in positions of trust and so can be charged with financial exploitation of such persons. If a defendant is charged with financial exploitation of such a person by taking more than \$5,000, a court can freeze the defendant’s assets up to the amount allegedly taken (H.B. 5653, McAsey et al.—Hutchinson-J.Collins-Lightford et al.).

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CRIMINAL LAW

(continued from p. 9)

Fines. *For crime victims.* Additional fines of \$100 for felonies, \$75 for misdemeanors except conservation offenses, and \$50 for many driving offenses will be imposed in place of the current \$4 penalty per \$40 of fine imposed, to support the Violet Crime Victims Assistance Fund (S.B. 3602, Steans-Althoff-J.Collins et al.—Williams et al.).

For State Police Merit Board. A \$15 fine will be added upon conviction of a crime, to support a cadet program for State Police and fund the State Police Merit Board (H.B. 196, McAuliffe-Dugan-Ramey et al.—Muñoz et al.).

Firearms. Ammunition. Illinois residents with valid “FOID” cards can order ammunition to be shipped from sellers in Illinois (formerly only from other states) (S.B. 681, Luechtefeld-J. Sullivan—Costello-Beiser-Moffitt-Phelps-Hammond et al.), **amendatorily vetoed.**

FOID cards. Misdemeanor domestic violence crimes—which under federal law bar a person from having a firearm—will also disqualify a person from having a FOID card. If a person is charged with a crime such as assault or battery, at arraignment the prosecutor can seek a hearing on whether it was such a domestic crime. If the court finds that it was and convicts the defendant, the court clerk is to notify the Department of State Police immediately.

A requirement already in the Firearm Owners Identification Card Act—that the Department be notified immediately by the court clerk if a person is adjudicated as “mentally defective”—is repeated in the Mental Health and Developmental Disabilities Code. Also, if a court sentences a person having a mental disability to prison, the

court clerk must immediately notify the Department. Anyone denied a FOID card on mental grounds can apply to the State Police for relief. Its Director is to hear evidence on matters including the person’s mental health, criminal history, and reputation before deciding. The U.S. Attorney General is to be informed of any decision to grant relief. A decision by the Director to deny relief may be reviewed *de novo* (not merely reviewed on the record) in circuit court.

Except for military, police, and security personnel, a person must be an Illinois resident to get a FOID card. A new resident of Illinois, not otherwise barred from having a firearm, has 60 days after getting an Illinois driver’s license to get a FOID card to possess firearms legally. Any change of address by a FOID card holder must be reported to the Department within 21 days, and a change of name within 30 days. Possessing a firearm after one’s FOID card expires will be only a petty offense for the first 6 months after expiration, if the person is not otherwise disqualified from having a firearm (S.B. 1034, J.Collins-Martinez-Kotowski et al.—Soto-Sacia-Arroyo-Cassidy-Osmond et al.).

HIV Transmission. Criminal HIV transmission is narrowed by requiring proof of specific intent to commit it (the law previously prohibited engaging in behaviors likely to spread HIV while knowing that one is infected). The elements of the crime (as to sexual contact only) are more specifically defined. If a court finds reasonable grounds to suspect that a person has committed a violation, it may order testimony or production of records *in camera*. If the court finds that the records or testimony are relevant to the offense, they will be disclosed to the prosecutor and admitted as evidence if otherwise admissible (S.B. 3673, Righter et al.—Sacia).

Human Trafficking and Forced Labor. If the victim is a minor, the limitations period for involuntary servitude or

trafficking in persons is until the later of 1 year after the victim turn 18 or 3 years after the offense. The list of acts constituting involuntary servitude is expanded to include using a scheme or plan to cause the victim to believe that the victim or another will be harmed unless the victim performs labor or services (H.B. 5278, Cassidy-Currie-Morthland-W.Davis-Acevedo et al.—J.Collins-Hutchinson-Martinez-McCarter-Kotowski et al.).

Little RICO. It will be a Class X felony if a person knowingly operates or manages an “enterprise” (broadly defined) through a pattern of acts that are at least Class 2 felonies among a long list of crimes; knowingly causes another to do so; or knowingly conspires to do so. To show a conspiracy, at least one overt act (which need not be a crime) must be proved. Acquiring money or any other property by a pattern of such activity also will be a Class X felony. State’s attorneys are directed to adopt rules and procedures for their offices’ use of these provisions, but defendants cannot use failure to do so as a defense. A Class X felony under this act must be punished by a prison term of at least 7 years and may result in a fine up to \$250,000. This act exempts from prosecution under it unions and their officers and agents acting in official capacities, along with businesses in the fields of manufacturing; transportation; wholesale and retail trade; finance, insurance, and real estate; and services (H.B. 1907, Zalewski-Reboletti-DeLuca-Connelly-Carli et al.—Muñoz-Noland-Kotowski-Millner et al.).

Luring a Minor. Age ceiling. The age below which “luring” a minor is automatically child abduction is raised from 16 to 17 (18 if the child was traveling to or from elementary or secondary school) (H.B. 5265, Reboletti-Mathias-Bellock-Connelly et al.—Millner-Dillard).

Sexual predator designation. The crime of luring a minor (as a first offense) is added to the list of crimes making a person a “sexual predator” (H.B. 5280, Cunningham-Costello-Mussman-Zalewski-Colvin et al.—Mulroe et al.).

Minors; Criminal Law Revisions.

Numerous crimes dealing with harm to minors are repealed and their substance incorporated into the Criminal Code with little change. Other criminal law provisions are revised to incorporate changes made by multiple acts. Substantive changes include: (1) the Criminal Code article on theft is amended by adding a prohibition on possessing or using a radio-frequency identification device (RFID) for purposes of violating the theft article or committing any felony under Illinois law, and (2) an existing provision penalizing persons who commit three or more financial crimes in 18 months is expanded by including retail theft if done for resale (H.B. 3366, Turner-Reboletti-W.Davis et al.—Dillard-Millner).

Orders of Protection. *Notices.* In lieu of serving a copy of a stalking no-contact order or civil no-contact order, sheriffs or police can serve the respondent with a short-form notice. It must name the petitioner, respondent, and other protected parties, and list the date and county of filing, file number, hearing date and time, and conditions imposed by the order (H.B. 5922, Cunningham et al.—Kotowski).

Penalties. Violation of an order of protection—normally a Class A misdemeanor—will be a Class 4 felony if the defendant has a prior conviction in another jurisdiction of a crime that would make violation a Class 4 felony if the prior crime had occurred in Illinois. A defendant who directs a third party to violate an order of protection will commit the crime under principles of accountability, regardless of the

third person’s mental state (H.B. 4636, McAsey-Mussman-Costello-Farnham et al.—Mulroe).

Postal Worker Protection. It will be an aggravating factor in sentencing for any kind of assault, battery, or robbery that the victim was delivering mail for the Postal Service when attacked (S.B. 3665, J.Collins-Martinez et al.—Costello et al.).

Prison Sentences. *Certificates of relief from disabilities; good-conduct credit.* A person with more than two felony convictions (except Class X felonies and some other felonies) becomes eligible for a certificate of relief. The minimum length of good conduct by a felon to be eligible for a good-conduct credit is reduced from 3 years to 2 (H.B. 5771, Golar—Hunter-Lightford et al.).

Sentencing credits. Credits against sentence time for good conduct and for meritorious service are combined into one set of standards. A prisoner may get credit for compliance with Department of Corrections rules; completion of programs such as education or drug treatment (either in prison or in pretrial or presentencing custody); and/or service to the prison, community, or state. Annually starting in January 2014, the Department must report on sentencing credit to the Governor and General Assembly and on its Website (S.B. 2621, Raoul-Noland-Millner et al.—Currie-Sacia-Cassidy-Turner-du Buclet et al.).

Probation. *First offenders.* A defendant who has not previously been convicted or put on probation for any felony, but is charged with any of several nonviolent felonies, is eligible with the state’s attorney’s consent for a new program involving intensive probation while judgment is deferred. If the defendant completes the program, no felony conviction will be

entered (S.B. 3349, Raoul-Noland-T. Johnson-A.Collins-Delgado et al.—du Buclet-Jefferson-M.Davis-Howard-Yarbrough et al.).

Probation and court services fee.

Counties may charge an added \$10 fee to defendants in felony, traffic, misdemeanor, local ordinance, or conservation cases who are found guilty or granted supervision (with a bail amount over \$120). Proceeds must be used for probation and court services department operations. Such funds can be used to pay salaries of probation officers and other court services personnel if state reimbursement to counties for those purposes is delayed at least 4 months (S.B. 1047, Mulroe—Cassidy).

PTSD Training. State and local police training must include a program on Post-Traumatic Stress Disorder (H.B. 5587, du Buclet-Gabel-Dunkin-Cassidy-Ford et al.—Lightford-J.Collins).

Service Animals. The Guide Dog Access Act is expanded to become the Service Animals Access Act, and will apply not only to dogs but also to miniature horses if trained (or being trained) to provide any of various services to a person with a physical, mental, or intellectual disability. A person need present no credentials to be allowed to use a service animal. However, the proprietor of the place where it is taken may consider various facts, including whether it is housebroken (H.B. 3826, Chapa LaVia-Bellock et al.—Koehler et al.).

Sexually Violent Persons. If a person is in custody of the Department of Corrections or of Juvenile Justice, a petition seeking to have the person committed as a sexually violent person may be served on the person by that Department. The Department of Corrections may take 12 months after commitment (now 6) to report on the mental condition of a person committed as sexually violent; and the person must wait 12 months after commitment to petition for conditional

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EDUCATION

The General Assembly voted to reduce educational service regions by 22%, and to abolish General Assembly scholarships. Local districts are to consider cost as only the last criterion in awarding bus contracts. The Illinois Student Assistance Commission may garnish the pay of student loan nonpayers.

Elementary & Secondary Education

Bilingual Education. The Advisory Council on Bilingual Education must report by January 1, 2013 on whether, and if so how, to modify bilingual education to be more successful and to involve parents more—such as by creating “parent academies” to help parents more effectively help their children who are learning English (H.B. 3819, Chapa LaVia-Fortner—Martinez-Holmes).

Bus Contracts. Cost bids are to be considered last when choosing school transportation companies—after student safety and comfort, stability of service, and any other quality-related factors stated in requests for proposals. Alleged fraud is the only basis on which a school board can be sued over a bus contract award (H.B. 4029, Chapa LaVia—Mulroe).

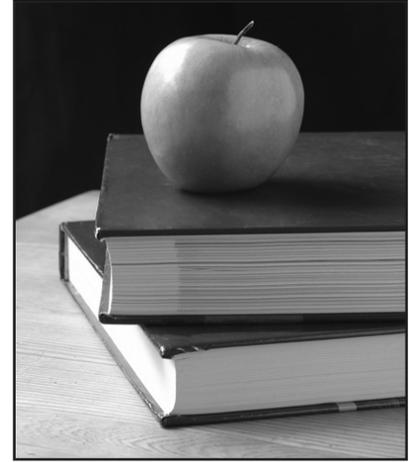
Crimes by Students. Current provisions on police disclosure to school officials about students taken into custody for crimes are harmonized between the Juvenile Court Act’s articles on juveniles generally and on delinquent minors. As to delinquent minors, the provision is narrowed by allowing disclosure only if there appears to be an imminent threat to other persons at school, and only if the crime involved is among those listed in this new act (formerly any crime above a Class C misdemeanor). Police and schools are encouraged to use such information to aid in rehabilitating students and protecting other students. Police apparently can also report to school officials on students they are currently investigating, but only orally. No information

described above may become a public record or part of a student’s official school record (H.B. 5602, Sente-E.Sullivan-Chapa LaVia-Pritchard-Gordon et al.—Millner).

District Consolidation—Taxes. If a unit district is formed from a high school district and one or more elementary districts, it can initially levy for its Education Fund the sum of the rates that the high school district and the highest-taxing elementary district levied—up to a 6.4% limit. That limit will decline each year, to 4.00% in the fifth year after consolidation. Similar provisions will apply to the Operations & Maintenance levy, with the limit declining from 1.03% to 0.75% in the fifth year (S.B. 3252, Althoff—Mathias-Sosnowski).

Educational Service Regions. The number of regions must be reduced from 45 to 35, each with a population of at least 61,000 (was 43,000). The State Board of Education may force consolidations to reach those levels (S.B. 2706, Haine—Mautino-Chapa LaVia-Pritchard-Roth).

Mandate Waiver Hearings; Driver’s Ed. A district or other school body seeking a waiver from education mandates must post a notice of public hearing on its Website 14 days beforehand (added to publication in a newspaper 7 days beforehand). Requirements are added for districts to contract with a commercial driver school, including public notices and waiver application information on the driver school and instructors. Districts must publish such contracts on the Internet and send the State Board updated information on all



instructors. Nonpublic school students must pay all or part of driver education costs at public schools outside their district. The Secretary of State and the State Board must adopt course content standards for driver education, and cars used must meet safety standards (S.B. 3367, Garrett—Pihos-T.Jones-Ramey-J.Mitchell-Cassidy et al.).

Math Curricula. The State Board, and education organizations and stakeholders, are to develop middle and high school math curriculum models to help teachers and districts set higher standards. The P-20 Council must report on whether the models are used, and evaluate the effectiveness of high school math teaching and standards (S.B. 3244, Frerichs-Martinez-Lightford et al.—Chapa LaVia-Hays-Mayfield-Pritchard-Dugan et al.).

Medical Emergency Training. Schools may give video training for 6th to 8th graders on CPR and using AEDs (H.B. 5114, D.Burke-Osmond-DeLuca-Carli—P.McGuire).

Pensions (Chicago). Retired Chicago teachers and principals can teach up to 100 days a year with no effect on pensions, if they are not paid over \$30,000 per year (or if a principal for at least 5 years before retiring, 100 times the daily rate normally paid to retired principals) (S.B. 3597, Martinez-Delgado et al.—K.Burke-du Buclet-Golar-Chapa LaVia-M.Davis).

School Construction. The second-highest priority for projects to get state grants is expanded by adding rehabilitation to the replacement or reconstruction of aging buildings (S.B. 639, Delgado-Althoff-Trotter-J.Collins et al. — Beiser-Pritchard-Chapa LaVia-Fortner).

School Year Length. The first and last days of a school year will no longer qualify as full days if less than 5 hours long (S.B. 2850, Luechtefeld—Winters).

Teacher Certification. *Alternative certification* programs are extended; admission to them can occur until September 2013 and completion until December 31, 2014. Such programs may partner with, and alternative certifications will be valid in, charter schools in addition to other public schools (S.B. 638, Steans—Biss-Durkin-Chapa LaVia et al.).

Lapsed certificates can be reinstated by paying back fees plus \$500 (in lieu of paying back fees and earning 9 semester hours in the field taught). Until September 1, 2012, certificates lapsed due to not paying registration fees may be reinstated by paying back fees only (S.B. 3393, Steans-Lightford-Maloney et al. — Chapa LaVia-Biss-Pritchard).

Transportation. Students in grades 9-12 may travel in a multi-function school activity bus (MFSAB) to any curricular activity, but not for regular transportation between home and school. The driver must have a school bus driver permit, and the driver or vehicle must comply with several Vehicle Code sections meant to promote safety (S.B. 3487, Crotty et al. — Mathias-D’Amico-D.Harris).

Truancy. The definition of “chronic truant” in the Juvenile Court Act of 1987 is broadened to match that in the School Code: Unexcused absence for 9 (formerly 18) of the most recent 180 school days (H.B. 3806, Cavaletto-J.Mitchell—Luechtefeld-J.Jones).

Violence Prevention. A task force will study and develop a high school course to prevent adolescent interpersonal violence, based on a program developed at Oak Park and River Forest High School (H.B. 5689, Lilly-Yarbrough-Berrios-Turner-Soto—Harmon-Cullerton-Lightford).

Higher Education

Business & Vocational Schools.

The Private Business and Vocational Schools Act is replaced with the same-named Act of 2012. It transfers oversight from the State Board of Education to the Board of Higher Education (IBHE). Schools must register with IBHE, and meet stated criteria and publicly report on recent students’ and graduates’ performance. Permits to operate a school or offer a program can be granted for 5 years on condition of annual renewal and reporting to the Board. The Board must set fees (formerly set by law); may issue orders to stop violations (which may be enforced by the Attorney General and state’s attorneys); will set minimum standards for enrollment agreements, refund policies, and surety bonds; and must have a procedure for appealing decisions and resolving student complaints (S.B. 1795, Lightford-Maloney et al. — Chapa LaVia).

Ex-Faculty Employment. An institution under the State Universities Retirement System (SURS) that re-employs a retired SURS member must (subject to some exceptions) reimburse SURS for pension payments it makes to that person in each year of re-employment (H.B. 4996, Biss—Steans-J.Collins).

Legislative Scholarships; Tuition

Waiver Study. Legislators may not nominate students for General Assembly Scholarships after August 31, 2012. A task force will study and report on the propriety of tuition and fee waiver programs at all public colleges and

universities (H.B. 3810, Crespo-D. Harris-Cassidy-Feigenholtz-Pritchard et al. — Cullerton-Radogno-Kotowski-Dillard-Garrett et al.).

Search Firm Use. State universities may not pay for search firms, except when hiring a president or when the board demonstrates a need for expertise in the field in which a hiring is planned (H.B. 5914, Rose—Righter-Link et al.).

Sprinklers. The January 1, 2013 deadline for having sprinklers in college dormitories can be delayed if a college proposes, and the State Fire Marshal approves by that date, a plan with details on how such a system can be installed. With such approval, the deadline will be September 1, 2014 (H.B. 4757, Moffitt-Saviano-Pritchard—Maloney-Hunter et al.).

Student Loan Garnishment. The Illinois Student Assistance Commission may garnish wages of any employee, to the extent legally possible, to recover student loan debt it owns or services, after allowing debtors to contest the existence or amount owed (S.B. 3800, Maloney—Durkin-Cavaletto). □

Thomas Bazan
Senior Research Associate

2012 VETO SESSION

November
14 Perfunctory
27, 28, 29 Session

December
4, 5, 6 Session

ENVIRONMENT & CONSERVATION

Lawmakers voted to ban new or expanded landfills in Cook County; tighten controls on fertilizers and dry-cleaner solvents; and make it easier to set up charging stations for electric vehicles. Retailers, and plastic bag makers, will be pushed toward increasing availability of places to recycle bags and film wrap. A major study of solid-waste management and recycling will be done in the next 2 years.

Agriculture Research. A new Food and Agricultural Research Fund can receive grants and donations to supplement state appropriations for farming research. The appropriations are to be allocated by the General Assembly among Illinois public and private colleges and universities after the Illinois Council on Food and Agricultural Research makes recommendations, incorporated into the Governor's proposed budget (H.B. 4447, Reis-Pritchard-P.Evans-Cavaletto-Brown et al.—Frerichs et al.).

Dry Cleaning. Dry cleaning machines that use the solvent perchloroethylene ("perc"), and have only one control system to contain it, may remain in use but only where they sit on January 1, 2013. Any machine using perc installed after 2012 must have both a primary and a secondary control system. Also after 2012, dry cleaning plant license renewal applicants must certify that all hazardous waste storage and transportation meets federal and state laws and regulations. After 2013, no dry cleaning machine using perc may be operated unless a person present in the facility has passed an environmental training course (and a refresher every 4 years) approved by the Dry Cleaner Environmental Response Trust Fund Council. Also after 2013, every dry cleaning machine and associated equipment must have a containment structure around it; the contained floor must be impervious to leaks; any chlorine-based solvents such as perc must be delivered by closed, direct-coupled delivery systems; and delivery of other solvents must follow rules to be made by the Council. Makers of perc substitutes must send information for the Illinois EPA to decide whether they endanger health or the environment.

By January 1, 2016, the EPA must report to the General Assembly on effects of new perc releases on groundwater (H.B. 4526, Zalewski-Cassidy-Currie et al.—Steans).

Energy. Electricity conservation. An electric utility's annual assessment of potential further ways to save energy must reflect customers whose service has not been declared "competitive" and who are eligible to buy at fixed rates (whether or not they buy from that utility); costs of such conservation programs can be included in the utility's rate base for them. Existing provisions for net-metering customers will apply based on whether each customer's service was declared "competitive" by July 1, 2011—except that one existing requirement (that net meterers be charged the same rates as those not net metering) will apply whether or not they have "competitive" service. Net meterers will pay taxes only on net (not gross) amounts they use (S.B. 3811, Harmon et al.—May-M.Evans-Gabel-Pihos-Bost).

Renewable energy districts. A 2011 act authorizing any county to create a "renewable energy production district" is amended to allow such a district to be a special district and exercise broader powers—including borrowing money, buying real property, hiring staff, and retaining revenue needed for operations and debt service instead of paying it to the county. Such a district may be dissolved by action begun by its board or by voter petition (H.B. 4753, Hays—Frerichs).

Substitute natural gas. Some changes are made in provisions enacted in recent years to provide for a substitute natural gas plant in Chicago. Ameren and Nicor, which opted into the project, will



pay over 95% of its costs and take 84% of its output. For rate-setting purposes, the plant will be assumed to be funded 70% by debt and 30% by equity. The Illinois Commerce Commission order earlier entered in this case must be replaced with one incorporating these changes among others (S.B. 3766, Trotter-Harmon-J.Jones-Forby et al.—Lyons-M.Evans-E.Sullivan-Bost-Phelps et al.), **vetoed**.

Vehicle charging stations. Operators of charging stations for electric vehicles will not be subject to regulation as public utilities unless they fit that term for other reasons. But the Commerce Commission will issue rules for certifying persons to maintain or repair such stations (added to those installing them). Self-installation will be allowed but only for personal or family use (H.B. 5071, Williams-D.Brady-Zalewski-Phelps-Winters et al.—Steans-B.Brady et al.).

Farming. Fertilizer regulation. Requirements for accurate labeling of fertilizers are strengthened, and stronger enforcement measures authorized. If fertilizer is labeled with its maker's name, the maker must be licensed by the Illinois Department of Agriculture. The Department will issue regulations for storage, equipment use, transportation, and handling of anhydrous ammonia and low-pressure nitrogen fertilizers—and of liquid and dry fertilizers at commercial facilities. A new Nutrient Research and Education Council will promote efficient and environmentally sound fertilizer use. Fertilizer makers must pay an assessment set by the Director of Agriculture at 50¢ to \$3 per ton to fund the Council (H.B. 5539,

Dugan-Biss-Verschoore-Sacia-Rosenthal et al.—Frerichs).

Megafarm fees. Fees for National Pollutant Discharge Elimination System permits for concentrated animal feeding operations are set at \$150 to \$750 depending on the number and size of animals confined (H.B. 5642, Tryon-Currie-Cassidy-Bellock-May et al.—Frerichs-J.Collins-Noland-Crotty et al.).

Hunting. “*Case*” for a gun. The kinds of containers in which a firearm may legally be transported in a vehicle are expanded to match the list in the Criminal Code: a “case, firearm carrying box, shipping box, or container . . .” (S.B. 3533, J.Jones—Rosenthal-Hays-Hatcher-Reis-Bost et al.).

Crossbow hunting by all legal hunters will be allowed from the second Monday after Thanksgiving through the last day of the archery deer hunting season set by the Director of Natural Resources (H.B. 4819, E.Sullivan-Phelps-Hammond-Costello-Riley et al.—Forby et al.).

Landfills. *Cook County moratorium.* No municipal solid waste landfill, or sanitary landfill, may be begun or expanded in Cook County after this bill becomes law (H.B. 3881, M.Evans-Currie-Howard-Reboletti-Coladipietro et al.—Harmon-Trotter-J.Collins-Hunter et al.).

Volunteers. DNR must allow requesting volunteers to clean parks in Adopt-A-Park programs unless it gives a reason for denying their request. Volunteers will assume risks, and cannot replace

paid workers (S.B. 2882, Rezin-Martinez et al.—Roth-Hatcher-Moffitt).

Recycling. *Plastic bags.* Makers of plastic bags for carryout from Illinois stores must register with the Illinois EPA and pay a \$500 yearly fee starting in mid-2013. Each bag must be identified by the maker’s name or a number assigned by the EPA. Each bag maker must send the EPA a plan for collecting and recycling plastic bags and film wrap, which can be issued jointly with other manufacturers, governments, solid waste agencies, or other entities. Plans will be posted on the EPA Website, and bag makers must respond to any comments. Goals are set for bag collection locations to be near increasing percentages of state residents, and increasing percentages of plastic bags and film wrap to be recycled, by 2015. Bag makers, distributors, and wholesalers, and retailers can be fined up to \$1,000 for violating specific requirements, but the goals do not appear to be mandatory. The EPA must report to the General Assembly by October 2016 on statewide plastic bag and film collection and recycling efforts. These provisions will not apply in Chicago—or in any home-rule municipality that had an ordinance on plastic bag and film recycling at the start of 2012; but such ordinances cannot be made stricter than they were then (S.B. 3442, Link et al.—Tryon-P.Evans-Sosnowski et al.), **vetoed.**

Study. A 21-member task force will thoroughly study recycling and solid waste management planning in Illinois. It is

to investigate and make recommendations for expanding waste reduction, recycling, reuse, and composting in ways that will protect the environment and promote economic development, reporting to the Governor and General Assembly within 2 years (H.B. 4986, May-Gabel—Garrett-Noland).

Shark Conservation. No one may have or offer to sell a shark fin or tail after January 1, 2013 (except that persons who had them on that date have until July 1, 2013 to dispose of them) (H.B. 4119, Feigenholtz-Sente-Ramey-Biss-M.Davis—Muñoz-Mulroe-Althoff et al.).

Synthetic Gas; Sewage; Fees; Waste Hauling. A substitute natural gas (SNG) facility not meeting carbon sequestration requirements in a year can keep clean coal SNG facility status by buying credits or paying required penalties. The Illinois Commerce Commission can approve a carbon dioxide sequestration site if it has an underground injection permit from either the Illinois or (added) U.S. EPA; the U.S. EPA is also added as a source for a “coverage letter” for a private sewage disposal system. Several Illinois EPA fees for certifying environmental laboratories are substantially raised. Starting next January the EPA will issue 3-year (not annual) Special Waste Hauling Permits for \$750 each (S.B. 2867, Haine—Winters). □

Stephanie Moulton
Research Associate

PROPOSED CONSTITUTIONAL AMENDMENT WOULD RESTRICT PENSION INCREASES

Legislators sent to the voters a proposed constitutional amendment on public pensions. If voters approve, any bill to increase state, local, or school pensions (other than through lawful pay raises) will need a three-fifths vote in each house to pass. If it is vetoed, a two-thirds vote in each house will be needed to override (total veto) or accept the Governor’s recommendations (amendatory veto). Somewhat similar restrictions will apply to increases in local or school district benefits, such as bonuses, that would increase pensions other than through lawful pay raises (House Joint Resolution—Constitutional Amendment 49, Madigan et al.—Cullerton-Martinez-Schoenberg).

HEALTH & SAFETY

Legislators voted to require hospitals to provide inpatient or outpatient service to an uninsured patient with moderate or low income for a \$300 copayment; require passive radon-dispersion systems in all new single-family or duplex homes; and impose extensive safety requirements on swimming pools and other water recreation structures. Planning is to be done to address Alzheimer's and other dementias; planning requirements for health facilities are tightened for both builders and the state review board.

Alzheimer's and Other Dementias. The Department on Aging must prepare an Alzheimer's Disease Assistance Plan by January 2014. The Department, legislators, and other parties may hold public hearings for comments by patients and caregivers. State agencies may add to the Plan by specifying how they are meeting needs of Alzheimer's patients. Changes recommended by the Alzheimer's Disease Advisory Committee are to be included in the State Plan (H.B. 4548, Bellock-Jakobsson-Pihos-Osmond-Mathias et al.—Althoff-Haine-Noland-Steans et al.).

Autism and Insurance. Persons diagnosed with autism-spectrum disorders will remain eligible for health insurance coverage despite any changes in diagnostic criteria for them between April 2012 and December 2014 (S.B. 679, Harmon-J.Collins-Lightford-Delgado-Hunter et al.—Saviano-Bellock-May-K.Burke-D.Brady et al.).

Bisphenol A Ban. Bisphenol A (used in some plastic or metal containers) is prohibited in new children's food or drink containers sold in Illinois by wholesalers after 2012, or by retailers after 2013. The Attorney General can enforce the ban and seek penalties up to \$200 per day (S.B. 2950, Silverstein—Nekritz-May-Jakobsson-Mell et al.).

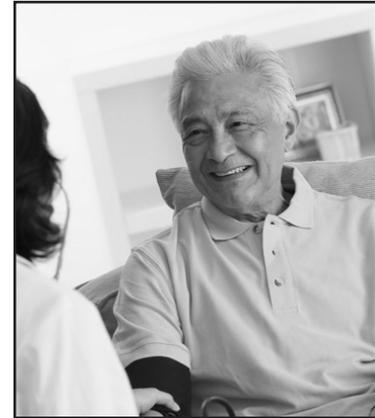
Child Neglect. The definition of "neglected child" for abused and neglected child reporting purposes is

expanded to include a child subjected to an incident in which harm is likely because a parent or caretaker ignores an obvious and imminent risk (S.B. 2849, Haine-Mayfield).

Drug-Overdose Immunity. A person possessing small amounts of some illegal drugs—including an overdose victim—will have limited immunity from prosecution for possession if that charge would result from seeking emergency care for an overdose victim. In more serious drug prosecutions (for Class 3 or worse felonies), it will be a mitigating factor in sentencing that the defendant sought or obtained care for an overdose (S.B. 1701, Silverstein-Noland-Hunter-Delgado-Millner et al.—Cassidy-Howard-Bellock-Yarbrough-Mayfield et al.).

Elder Abuse and Neglect. Reports of elder abuse, neglect, or financial exploitation may be given to a police or fire department under a written agreement to furnish it a list of adults who may be at risk for such acts (H.B. 5266, Reboletti et al.—Millner-Sandack et al.).

Emergency Telephone Systems (911). A local Emergency Telephone System Board may use its Emergency Telephone System Fund to implement a system of computer-aided dispatch or hosted supplemental 911 services (computer systems that provide caller information to 911 operators) (S.B. 555, Garrett-Holmes—Sente-May-Moffitt-Phelps-Cunningham et al.).



Health Facility Planning. A recipient of a permit to build health facilities or acquire major medical equipment must make annual progress reports, and a final completion and cost report within 90 days after the approved completion date or any extension. Annual reports must list project spending. The Health Facilities Services and Review Board is directed to ensure that planned facilities and major equipment purchases promote the public good, by methods including public hearings on applications. It must issue detailed written findings, including a detailed explanation of any denial of an application (S.B. 2934, Garrett—W.Davis-Dugan-Riley-Dunkin).

Hospital Charity Care. A hospital other than a "rural hospital" or "Critical Access Hospital" as defined may charge no more than \$300 per inpatient admission or outpatient visit to an uninsured patient with family income up to twice the federal poverty guideline who seeks charity care. For rural and Critical Access hospitals, the ceiling will be 125% of that guideline (S.B. 3261, Martinez-J.Collins-Steans-Delgado-Hunter et al.—Cassidy-Moffitt-Currie-Bellock-Soto et al.).

Infant Feeding. Each hospital providing maternity services must have an infant feeding policy promoting breastfeeding. The policy must include guidance on using infant formula (a) for

medically-needed supplementation; (b) if preferred by the mother; or (c) if exclusive breastfeeding is contraindicated (H.B. 4968, Gabel-M.Davis-May et al.—Raoul-Noland-Hutchinson-Althoff et al.).

Medical District. The Illinois Medical District Commission in Chicago is declared to be a political subdivision and unit of local government, and given authority to build facilities to earn income for operations and creation of monetary reserves. It may be sued in tort (formerly prohibited), but no judgments may be issued against its property. It no longer need comply with the Personnel Code or Illinois Purchasing Act, but must issue rules on contracts and purchasing. It can keep surplus money in locally held accounts. It will still be audited by the Auditor General, but under an inter-governmental agreement under which it will pay the Auditor General's auditing costs (S.B. 3514, Martinez—Zalewski).

Missing Persons. I-SEARCH units will be replaced by a State Missing Persons Clearinghouse to help find missing children. Department of Children and Family Services reports on missing children in its custody or guardianship must go to the local law enforcement agency working with the Clearinghouse (H.B. 5023, Penny-Haine).

Plumbing Standards. By 2013, the Plumbing Advisory Council is to recommend changes to the state's plumbing standards for better use of natural resources and protection of health. The Illinois Department of Public Health is to consider the recommendations and issue proposed regulations by May 31, 2013 (H.B. 4496, Sente-Biss-May-Tryon-Nekritz et al.—Garrett-Martinez-E.Jones-Althoff-J. Collins et al.).

Radon. Home construction. Starting June 1, 2013, all new single-family or duplex residences must have piping to allow radon to escape from the soil to the open air. Active radon mitigation systems (using fans or pumps to move gases away from the foundation) may be installed only by licensed radon contractors. The existing Task Force on Radon-Resistant Building Codes will make recommendations by January 2013 on rules for radon-resistant new residential construction (H.B. 4665, McAsey-May-Costello-Zalewski et al.—J.Collins-Noland et al.).

Testing. Starting January 2013, day-care centers, day-care homes, and group day-care homes must be tested for radon at least every 3 years, and starting in January 2014 the results must be posted beside each home's license. The form for disclosing radon test results when selling a residence will allow a seller to give the most current information (changed from "all available" information) from radon testing in it (H.B. 4606, May-Costello-Hernandez-Cassidy-Yarbrough et al.—Steans-J.Collins-Noland et al.).

Smokers and Cancer Hospitals. The law prohibiting employment discrimination due to use of "lawful products" is amended to allow a for-profit business, whose sole objective is treating cancer patients, to deny employment to tobacco users (S.B. 2945, Duffy-Althoff-Hunter-Kotowski et al.—Connelly-Yarbrough-Zalewski-Osmond-E.Sullivan et al.), **vetoed**.

Swimming Safety. No one may design, plan, or make specifications for a "swimming facility" as broadly defined (other than a pool for family and guest use at a single-family residence) except an architect or professional engineer who is prequalified by the Illinois Department of Public Health (IDPH). Any locality having a health department certified by IDPH for enforcing

the Swimming Facility Act may choose by ordinance to enforce it, including licensing swimming facilities. IDPH permit fees for most installations will vary with total water surface area, and can be as high as \$1,950 for a construction permit (much less for tax-exempt organizations); local permit fees can be set by ordinance. Violations of the Act will be punishable by fines of \$1,000 per day or by administrative enforcement. Licensees must allow patrons to use service animals trained for work in water—unless that would endanger human safety, facility functioning, or sanitary conditions (S.B. 3727, Harmon—Currie-Tryon).

Tax Checkoffs and Lottery Game. A Childhood Cancer Research Fund, Children's Wellness Charities Fund, and Housing for Families Fund are created in the state treasury and will get checkoffs on individual income tax returns. The existing Diabetes Research Checkoff Fund need not draw annual contributions of at least \$100,000 to stay on tax returns, and will not be counted toward the limit of 15 tax checkoff options. The Hunger Relief checkoff is reinstated for at least tax year 2012. The Lottery's "Quality of Life" scratchoff game for HIV and AIDS prevention and treatment is extended 5 years, through 2017 (S.B. 3320, Hutchinson-Lightford-Hunter-J.Collins—Soto-Howard-Hernandez-Berrios-Yarbrough et al.).

Zinc-Air Button Cell Ban. The sale and distribution of mercury-added, zinc-air button cells (small, non-rechargeable energy cells, commonly used in hearing aids) is banned except as federally required (H.B. 1261, Farnham-Mussman-Nekritz-Schmitz-Jakobsson et al.—Sandoval-Dillard-Noland-Martinez et al.). □

*Robert L. Bayless
Senior Staff Scientist*

LOCAL GOVERNMENT

The General Assembly voted to expand the requirement that local governments file audits with the Comptroller, and require it to be done electronically if possible. Legislators also voted to require that coroners get formal training in death and homicide investigations before heading such investigations, and abolish Cook County township collectors' offices after their current terms.

Antennas for Ham Radio. Municipalities can regulate the placement, screening, or height of antennas and support structures for amateur radio only for clearly defined aesthetic, public health, or safety reasons and in ways that reasonably accommodate amateur radio. Home rule is pre-empted (H.B. 1390, Krezwick-Bradley-Lyons-Zalewski-Morrison et al. —Luechtefeld-Crotty et al.).

Audits Filed Electronically. All counties (not only those of 10,001 to 499,999 residents) must have their accounts audited and file annual financial reports electronically with the State Comptroller. Audits of municipalities and other local governments that are required to go to the Comptroller are also to be filed electronically. If a local government can show that it cannot file electronically, the Comptroller can waive that requirement. The Comptroller is to post each such audit on the Internet within 45 days after receipt, and can fine local governments for late or unfiled audits (S.B. 3508, Althoff-Holmes — Franks-Kay).

Cook County Township Collectors Abolished. Cook County township collectors' offices will become vacant when their current terms end; township assessors will assume their duties (H.B. 1981, Jefferson — Cullerton).

Coroner Training. The Illinois Law Enforcement Training and Standards Board must offer death and homicide investigation training to coroners (added to law enforcement officers). Only coroners completing the training (or waived from taking it based on experience) may be lead investigators in coroner's investigations (H.B. 5635, D.Brady-Sacia — Muñoz et al.).

Electric Consultant Interest Disclosure. Electric consultants and consulting companies selling advice to local governments on selecting electric suppliers for local aggregation programs must, before contracting with a local government, disclose any commissions or other incentives they would get from suppliers (H.B. 4761, E.Sullivan-Phelps-May-Franks-Fortner et al. — Harmon et al.).

Employee Pay Information. Municipal, township, and county governments must send information on all their employees' job titles and pay to the Department of Central Management Services, which must post it on the Illinois Transparency and Accountability Portal (ITAP) (H.B. 222, Franks-McAsey-Yarbrough-Sente-M.Davis et al. — Garrett et al.).

Liquor Sale by Mayor. The mayor of a city, or president of a village, of under 50,000 may have an interest in a local alcoholic beverage businesses. But if so, the city council or village board must appoint a lawyer to act as local liquor control commissioner during the mayor's or president's term (H.B. 735, Lang-D'Amico-Lyons-McAuliffe — Muñoz et al.).

Park District Background Checks. Park districts may not hire persons adjudicated delinquent for (added to convicted of) a long list of crimes. Stalking, aggravated stalking, and cyberstalking are added to that list. Park district presidents may see records showing delinquency adjudications of employment applicants (S.B. 3809, Mulroe — Senger-Connelly).

Prevailing Wage Posting. Contractors on public works can be officially notified of changes in the Department



of Labor's determinations of "prevailing" wages by posting them on the Department's Website (H.B. 5212, Krezwick-Cunningham-Zalewski — Crotty-Holmes et al.).

Sales Taxes. Purposes. Municipalities without home rule can continue to use proceeds of municipal sales taxes imposed by referendum to help fund municipal operations through 2020 instead of 2015—in addition to two other uses that have no cutoff year (H.B. 5362, Fortner-Yarbrough — Althoff-P.McGuire).

Rebate disclosures. A county or municipality that agrees to share or rebate sales taxes must report to the Department of Revenue the names and locations of all entities involved and the terms of the agreement within 30 days after it becomes final. The Department must post the information (except data on sales and tax collected) on its Website (H.B. 3859, Sente-Tryon-Franks-Chapa LaVia-Pritchard et al. — Raoul-Landek-Lauzen).

Ward Reduction. If a decennial Census shows that a city's population has declined, the city council can vote to keep the same number of aldermen (already allowed after an increase). A provision requiring a council to redistrict if a census shows that the city is entitled to more or fewer wards than before is retained, but only for decennial Censuses (S.B. 3576, J.Sullivan — Fortner-K.Burke). □

*Caroline Coatney
Research Assistant*

PROFESSIONS & OCCUPATIONS

Legislators voted to create a new licensing act for persons who evaluate or treat sex offenders; expand the practice authority of physician assistants; and grant temporary occupational or professional licenses to military personnel, along with their spouses, if the military personnel are similarly licensed elsewhere and are transferred to Illinois.

Barber Education. Schools of cosmetology may offer degrees in barbering if the schools meet standards similar to those for barber schools (H.B. 4076, Kosel—Martinez-Radogno).

Child Care. Theft-type crimes are added to the list of crimes that disqualify a person for a license to operate or work in a child-care facility, if the person will have access to confidential financial information or will send documents to support billing. The Department of Children and Family Services can make exceptions in individual cases to the existing disqualifications for violent or drug crimes (S.B. 3517, Mulroe—K.Burke et al.).

Counselors. The Professional Counselor and Clinical Professional Counselor Licensing Act is continued for 10 more years with some revisions, including allowing limited post-degree practice in supervised clinical programs by persons not yet licensed under the Act but prohibiting licensed professional counselors from providing clinical counseling independently. The Act's short title is changed by adding "and Practice" after "Licensing" (H.B. 4520, Saviano-Cole—Althoff-Martinez).

Dental Assistants. A dentist may not supervise at one time more than four dental assistants placing, carving, and finishing amalgam restorations, or monitoring nitrous oxide. Dental hygienist practice cannot include use of pit and fissure sealants (S.B. 2941, Dillard—Zalewski-K.Burke).

Funeral Directors. The Funeral Directors and Embalmers Licensing Code is continued for 10 more years with some revisions, including authorizing denial or suspension of licenses for nonpayment of student loans or child support (S.B. 38, Harmon-Martinez-Althoff-Crotty-Holmes et al. —Rita-May-D.Brady-Fortner).

Military Personnel—Temporary Licenses. Any state department that issues professional or occupational licenses must offer licenses lasting 6 months to military personnel and their spouses transferred to Illinois who have such licenses in other jurisdictions with standards substantially the same as Illinois'. Fingerprint checks will be used to exclude people who would be excluded from getting regular licenses. Military experience and training relevant to the profession or occupation will count toward requirements for a regular license. Similar provisions will apply to teacher licensing (S.B. 275, Cullerton et al.—Pritchard et al.).

Naprapathy. The Naprapathic Practice Act's sunset is extended for 10 years with some revisions, including authorizing license denial or suspension for failing to pay student loans or child support (H.B. 4126, D.Burke-Saviano-Zalewski-Berrios-Carli—Althoff-Hunter).

Physician Assistants. A physician may supervise no more than five (was two) full-time-equivalent physician assistants (minus the number of collaborative agreements the physician



has with advanced-practice nurses and certified registered nurse anesthetists). Physician assistants may serve in a hospital or ambulatory surgical treatment center without a written supervision agreement, if granted clinical privileges. If authorized by the institution, they may order and administer drugs, including controlled substances. Specific authority for employment of physician assistants in state and county correctional or mental health facilities is removed (H.B. 5104, Saviano—Link-Silverstein).

Sex Offender Treatment. To offer or provide sex offense evaluations or treatment (including those ordered by courts), a person must be licensed as a Sex Offender Evaluator or Sex Offender Treatment Provider. License qualifications include being licensed as a medical or counseling professional, plus specified numbers of hours of supervised experience in the type of practice to be licensed. Another type of license, as an Associate Sex Offender Provider, will require at least a master's degree in counseling or a related field. Some changes are made in the membership and duties of the Sex Offender Management Board (S.B. 3638, Raoul—Williams). □

*Komal Patel
Research Assistant*

REVENUE

The General Assembly voted to authorize a land-based Chicago casino; allow four more gambling riverboats and allow riverboats to be replaced by land-based casinos with Gaming Board approval; and expand authority for electronic gambling at racetracks. Other bills raise taxes on cigarettes and other tobacco products to help fund health care, and establish minimum amounts of public benefit that nonprofit hospitals must provide to be exempt from property taxes. Legislators also extended or created incentives for various kinds of businesses, hiring of unemployed veterans of recent wars, and using environmentally friendly fuels. A new Independent Tax Tribunal is to decide disputes between taxpayers and the Department of Revenue in which substantial amounts are involved.

Adult Entertainment Tax. Starting in 2014, each live adult entertainment facility serving alcohol must pay either (1) \$3 per patron or (2) an amount based on its gross annual receipts: \$5,000 for receipts under \$500,000, \$15,000 for receipts of \$500,000 to \$1,999,999, and \$25,000 for higher receipts. Proceeds will go for grants to organizations that try to prevent sexual assault and provide services to victims (H.B. 1645, Feigenholtz-Dugan-Cole-Acevedo-Hernandez et al. — Hutchinson-J.Collins-Crotty et al.).

Gambling Expansion. *Casinos.* The Riverboat Gambling Act is renamed the Illinois Gambling Act. The Illinois Gaming Board may license five new gambling venues—a land-based Chicago casino and riverboats in Danville, Park City, Rockford, and one of six townships in Cook County. Chicago will supervise its casino through a Chicago Casino Development Authority, which will contract with a private operator. The Authority's board will have five members appointed by the Chicago Mayor subject to Gaming Board approval. Gaming at Chicago airports is prohibited. The total number of "gaming positions" in Chicago may not exceed 4,000. Positions at other facilities will be limited to 1,600 each (up from 1,200). Video gaming must be operational before new gambling licensees have permanent gaming positions. Existing riverboats may convert to land-based casinos with Gaming Board approval.

Each new licensee must pay a license fee of \$100,000, plus \$25,000 (Cook County) or \$12,500 (elsewhere) for each "gaming position" that it reserves (up to 1,600 per existing licensee will be available but subject to redistribution if not reserved). Licensees must also make "reconciliation payments" into the Gaming Facilities Fee Revenue Fund 4 years after starting operations, based on their highest year's revenues. The Fund will support the Gaming Board and help pay the state's past-due bills.

Racetracks. Racing licensees can be licensed by the Gaming Board for electronic gaming at tracks on days of live or simulcast races. They may take pari-mutuel bets on races outside Illinois even if not televised in Illinois. They must pay fees like those listed above for new casinos and riverboats.

Electronic gaming positions may not exceed 1,200 per Cook County licensee or 900 per licensee elsewhere if they had live racing in 2010; if not, a licensee may have 350 positions, rising to 900 after it holds 96 live races in one year (or in 2015, whichever comes first). Tracks getting electronic gaming must be allowed minimum numbers of races each year. Unobligated receipts from electronic gaming will go to the track's purse account and gaming licensee.

A tax of \$3 per person will apply to admissions to electronic gaming facilities, with some of the proceeds distributed to nearby local governments. Each track



with electronic gaming must pay pari-mutuel tax rates of 2% to 3.5% on its pari-mutuel handle to the extent it exceeds the track's average 2011 handle; the existing 1.5% rate will still apply up to the amount of handle that the track had in 2011.

An initial recipient of a racing or electronic gaming license, who voluntarily sells or exchanges property used in the business to an unrelated entity between 2011 through 2019 at a gain, will be charged an income tax surcharge equal to the federal income tax liability on the gain.

Wagering taxes. Rates are to decline slightly after 500 new gaming positions are operational. Tax liabilities are to decline for current riverboats whose after-tax receipts fall below those of 2012.

Ethics. Bidders on most contracts with the new Authority must disclose information on persons owning interests in them, and on amounts of political contributions the bidders made in the last 2 years. Applications for new riverboat or casino licenses will require more information, such as projected job creation and each applicant's business history. Members of the Racing and Gaming Boards, the Authority, and officials of cities with gambling must follow disclosure and conflict-of-interest provisions. An Inspector General for gaming activities, appointed by the Governor, will have jurisdiction over the Gaming Board.

Miscellaneous. Riverboat gambling can occur on Lake Michigan. Some existing gambling facilities, including the Par-A-Dice casino in Peoria, may relocate to nearby places. Home-rule regulation of electronic gaming is preempted.

Some horse racing civil penalties, application fees, and filing fees, and any other unobligated funds received by the Illinois Racing Board, will go to the Horse Racing Fund, not the General Revenue Fund. Horse racing will no longer be banned on Sundays. The Illinois Racing Board and Department of Agriculture are to have a program to test horses at county fairs for drugs.

A new Depressed Communities Economic Development Board, with 8 members appointed by the Governor, is to make recommendations on grants by the Department of Commerce and Economic Opportunity to revitalize depressed communities (S.B. 1849, Link—Lang-DeLuca-Arroyo-Hays-Acevedo et al.).

Horse Racing. Advance-deposit wagering (which was to end August 25, 2012) can continue to January 1, 2013. The 0.25% tax on such wagers is also extended, but the (apparently statewide) annual limit of \$250,000 on collections is removed and proceeds are to go to standardbred purses instead of the Quarter Horse Purse Fund. Beginning August 26, 2012, a 0.18% surcharge on winnings on advance-deposit wagers will help fund standardbred purses.

Some horse racing civil penalties, application fees, and filing fees, and any other unobligated funds received by the Illinois Racing Board, will go to the Horse Racing Fund instead of the General Revenue Fund (H.B. 3779, Lang-Flowers-Howard-Mayfield—Link).

Incentives and Reductions (I). A 2011 law, effective June 1 of this year, changed numerous tax incentives.

Economic development areas. Economic development areas under 20 ILCS 620/4, existing on June 1, 2012, are extended to last a maximum of 15 years. The developer of such a project must be predicted to create or retain at least 4,250 full-time jobs (was 2,000). A new tax allocation will apply starting with FY 2013 taxes. The first \$5.35 million will go to the municipality, and of what remains, 55% to the developer and 45% to other taxing districts in the

project area. If tax payments increase in later years, 75% of the increase will go to the developer and 25% to taxing districts. After all developer and municipal obligations are paid, the project will be dissolved. A provision was established for recapture if a developer fails to fulfill obligations. The maximum maturity for municipal bonds issued for economic development projects was increased from 20 years to 38 years.

EDGE credits. Two companies (reportedly Sears Holdings and Champion Labs) were added to the list of entities that may apply Economic Development for a Growing Economy (EDGE) tax credits to their liability to withhold income tax on employee pay, instead of on corporate income tax liabilities, if they meet employment and capital investment requirements.

Exchange income. A federally regulated exchange in Illinois may choose to apportion its income among states for Illinois income tax purposes by attributing income from transactions executed on a trading floor in Illinois to Illinois, and for all other transactions attributing these percentages of its income to Illinois: 63.77% in the tax year that includes December 31, 2012, and 27.54% thereafter—subject to a provision preventing the overall Illinois apportionment percentage from dropping below its level in the first tax year to which the 27.54% figure applies.

Estate tax. The amount free of Illinois estate tax was raised from \$2 million to \$3.5 million for persons dying in 2012, and \$4 million for persons dying later.

Extension of tax breaks. Expiring tax credits and exemptions were extended as follows: the New Markets Development Program credit to 2017; the Personal Property Tax Replacement Tax credit for investments in qualified property to 2018; the research and development income tax credit to 2015; the Small Business Job Creation Tax Credit to mid-2016; the sales and use tax exemption for food and medicine for persons living on Medicaid in nursing homes to mid-2016; the partial sales tax exemptions for gasoline and

biodiesel blends, and complete exemption for E-85 fuel, to 2018; the optional abatement by a taxing district of non-profit historical society property taxes to 2018; and increased EDGE awards under the Business Location Efficiency Incentive Act to 2016. Also, income or sales tax exemptions, credits, and deductions that were scheduled to expire in 2011, 2012, or 2013 were extended 5 years.

Loss carryovers. The net-loss carryover deduction for corporations other than Subchapter S corporations was revived for 2012 and 2013 but limited to \$100,000 per year.

Stage productions. A new income tax credit is created for qualified, for-profit, live stage productions approved by the Department of Commerce and Economic Opportunity (DCEO). Applicants must file and seek to follow a hiring diversity plan, and give evidence that no production would occur in Illinois without the tax credit. The credit is 20% of Illinois labor expenditures and 20% of Illinois production spending, plus 15% of Illinois labor spending on residents in areas of high poverty or unemployment. Total credits cannot exceed \$2 million per fiscal year, but can be carried forward 5 years and may be sold or otherwise transferred. DCEO must report quarterly to the General Assembly on the economic impact of the credits, and annually on diversity of vendors to productions getting credits (**P.A. 97-636** (2011), enacted by S.B. 397, Hutchinson-Trotter et al.—Bradley-Dunkin-Gordon).

Incentives and Reductions (II). In tax years 2012 through 2016, an income tax credit is offered to businesses for the lesser of \$5,000 or 20% of gross annual wages paid to a qualified veteran hired after May 2012 who was unemployed for at least 4 of the last 6 weeks before hiring and is employed for at least 185 days (30 days if unemployed for at least 6 months in the year before hiring). The credit may be carried forward 5 years, but cannot be used by a taxpayer that uses the existing 5% credit for wages to veterans.

(continued on p. 22)

REVENUE

(continued from p. 21)

The sales and use tax exemption for equipment used for mining and related activities for coal, which expired in 2003, is revived and extended to such equipment used for aggregate.

The authority for a county or municipality to abate property taxes on the residence of a surviving spouse of a fallen police officer or rescue worker is extended to spouses of fallen soldiers who served in Iraq or Afghanistan (S.B. 3241, J.Sullivan-Dillard-Lauzen-Kotowski-J.Collins et al. — Costello-Farnham-Crespo-Beiser et al.).

Income Tax. Allocation. Unemployment benefits paid by the Department of Employment Security to part-year filers are allocable to Illinois for taxation (S.B. 3507, Jacobs — Verschoore).

Exemptions and credits. The standard exemption is raised from \$2,000 to \$2,050 for tax year 2012, and thereafter will be indexed to the Consumer Price Index for All Urban Consumers (rounded to the next lowest multiple of \$25). The earned income tax credit is increased from 5% to 7.5% of the federal earned income tax credit in tax year 2012 and 10% afterward (S.B. 400, Hutchinson-Koehler-Noland-Holmes-Trotter et al. — Currie-Flowers-Riley-Colvin et al.).

Lottery Sales. The Lottery Department's rules for its pilot Internet lottery sales program (which began March 25, 2012) must include limits on buying through any one person's lottery account. Powerball may be offered through the pilot program (added to Lotto and Mega Millions).

The Department must study the impact of the program on lottery retailers and the feasibility of selling stored-value cards through retailers to online ticket buyers. Its findings and recommendations will be proposed to an Internet Lottery Study Committee containing stated membership. The Department must incorporate the Committee's changes or additions into the report

and submit it to the Governor and the four top legislative leaders.

The Department may appoint investigators with the powers of peace officers solely to ensure the integrity of lottery games. Each will have a badge with an identifying number (S.B. 3497, Schoenberg — Lang).

Property Taxes. Homeowners who rebuild within 2 years after a natural disaster (occurring after tax year 2011) can apply for a property tax exemption if the new residence is not over 10% bigger than the old one. The exemption will effectively reduce the assessed value of the new home to that of the old home in the last year before the disaster, and may be applied for annually until the home is sold or transferred. The exemption for rebuilding after a catastrophic event remains available, but only one exemption may be taken per disaster (H.B. 4242, Phelps-Bradley-Cavaletto-Bost-E.Sullivan et al. — Forby).

Sales Taxes. Evasion. A new crime is created of knowingly trying to evade or defeat Retailers' Occupation Tax and doing an affirmative act for that purpose (such as concealing or falsifying facts, or tampering with tax documents). It will range from a Class 1 to 4 felony based on the amount of tax sought to be evaded. The limitations period for prosecuting crimes under the Retailers' Occupation Tax Act is increased from 3 years after an offense to 5 years (H.B. 5289, Turner — Schoenberg et al.).

Rebates disclosure. A county or municipality that agrees to share or rebate sales taxes must report to the Department of Revenue the names and locations of all entities involved and the terms of the agreement within 30 days after it becomes final. The Department must post the information (except data on sales and tax collected) on its Website (H.B. 3859, Sente-Tryon-Franks-Chapa LaVia-Pritchard et al. — Raoul-Landek-Lauzen).

Tax Tribunal. A new Illinois Independent Tax Tribunal will resolve tax

disputes between taxpayers and the Illinois Department of Revenue (IDOR). Starting July 1, 2013, it has original jurisdiction of taxpayer objections to IDOR notices of tax or penalty liabilities, tax deficiencies, and claim denials as to state-imposed taxes, if the amount at issue exceeds \$15,000 excluding interest and penalties—or if only interest and/or penalties are disputed and they exceed \$15,000. But if any provision of the act creating the Tribunal is held invalid, the entire Act will be invalid.

The Governor is to appoint four administrative law judges (ALJs) to 5-year terms on the Tribunal with Senate confirmation, and can remove them for cause. The Tribunal will be based in Cook and Sangamon Counties but may schedule hearings elsewhere to reduce taxpayers' expenses. Judicial rules of evidence will apply to hearings (apparently before individual ALJs). Taxpayers may represent themselves or hire lawyers; the Attorney General's office will represent the state. Decisions will be final unless appealed to the Illinois Appellate Court. Many tax laws are amended to transfer authority over protests to the Tribunal.

In IDOR's informal assessment reviews, parties may make offers of disposition of proposed audit adjustments; and the review panel must consider disposing of a matter if the correctness of the proposed adjustment is uncertain and litigation risks or other factors make an assessment or claim denial unwise (H.B. 5192, Zalewski-D.Harris-Currie-E.Sullivan-Turner et al. — Hutchinson-Garrett).

Tobacco Taxes; Health-Care Assessments; Hospital Property Taxes. Cigarettes. On June 24, 2012 the cigarette tax rose by \$1 per pack to \$1.98. Starting August 1, 2012, cigarette machine operators will be taxed at the same rate—9.9¢ per cigarette made by a cigarette machine except manually operated devices to self-roll them. These taxes will support the Healthcare Provider Relief Fund. Operators of machines that make cigarettes must pay a \$250 annual license fee and post a \$2,500 bond for at least 5 years.

Other tobacco products. On July 1, 2012 the tax on other tobacco products (except moist snuff) rose from 18% to 36% of the wholesale price. Moist snuff will be taxed starting in 2013 at 30¢ per ounce. Proceeds will go equally to the Long-Term Care Provider Fund and Healthcare Provider Relief Fund (until July 1, 2012 only to the Long-Term Care Provider Fund).

Hospital assessments. The current hospital assessment on inpatient services is extended from June 30, 2014 to December 31, 2014. A new assessment on outpatient services is imposed from FY 2013 through the first half of FY 2015 at 0.8766% of a hospital's outpatient gross revenue, to support the Healthcare Provider Relief Fund. Hospital access improvement payments from the Department of Healthcare and Family Services to hospitals for services rendered after FY 2012 are established at varying rates based on the type of service.

Transfers from the Hospital Provider Fund to the Health and Human Services Medicaid Trust Fund, Long-Term Care Provider Fund, and General Revenue Fund for FY 2015 are each halved from FY 2014 levels. The Hospital Provider Fund is also to be used to make payments to hospitals under the existing Long Term Acute Care Hospital Quality Improvement Transfer Program (in addition to other uses as in current law).

Hospital tax exemptions. To be exempt from property taxes, a nonprofit hospital must show that the value of its specified charitable services at least equals the estimated property tax liability it would have on its land and buildings, calculated as described in this act. Charitable services include charity care; other unreimbursed health services to low-income or underserved people; support for state health-care programs or to relieve state or local health-care burdens; and any

other activities accepted by IDOR. A hospital may use the value of services provided in either its latest fiscal year or the last 3 fiscal years' average. Application for the exemption must be submitted to both the chief county assessor and IDOR. Nonprofit hospitals must meet parallel requirements to be exempt from state sales and use tax on their purchases.

A for-profit hospital can get an income tax credit equal to the lesser of (1) annual hospital property taxes it pays or (2) the cost of free or discounted services it provided during the year, which may be carried forward for 5 years enacted by S.B. 2194, Schoenberg-Kotowski-J.Collins et al.—Currie-Yarbrough-du Buclet). □

Sarah E. Franklin
Senior Research Associate

BUSINESS & ECONOMIC DEVELOPMENT

(continued from p. 5)

Ameren customers, and update it annually. They must consult with a 9-member Smart Grid Advisory Council (5 appointed by the Governor and 1 by each top legislative leader). Upon approval, each utility must submit a proposed optional rebate program for residential customers with smart meters who curtail electric use in peak hours.

The Advisory Council will set up an Illinois science and energy innovation trust or foundation, partly funded by ComEd and Ameren, to educate utility customers on new technologies. Its members will consist of the Advisory Council; 1 member each appointed by ComEd and Ameren; and 1 nonvoting member appointed by the Clean Energy Trust.

To promote price stability during the infrastructure program, the Illinois Power Agency will conduct an energy procurement event for contracts for June 1, 2013 through December 31, 2017. The infrastructure program is scheduled

to end in 2017, but may be extended to 2022 with legislative approval.

Other requirements. By June 1, 2015, at least 1% of the renewable energy resources procured by the Illinois Power Agency must be from small-scale producers. The minimum amount of net metering load that an electric utility must provide to retail customers with small renewable electric facilities is raised from 1% to 5% of its peak demand in the preceding year. Utility procurement plans are to include plans for expanding energy efficiency. The ICC must issue certification requirements for installers of distributed generation facilities and electric vehicle charging stations (**P.A. 97-616**, enacted by S.B. 1652, Jacobs-J.Jones et al.—McCarthy-Bost-Winters-Dunkin-Reitz, **veto overridden**; **P.A. 97-646**, enacted by H.B. 3036, McCarthy-Winters-Bost-Phelps-Jefferson—Harmon et al.).

Store Returns. Restrictions on gift certificate fees and expiration dates are extended to credit slips for returned items that allow receipt of other goods of similar value (H.B. 4689, Pihos-Golar—Pankau et al.).

Telephone “Cramming.” With some exceptions, companies not affiliated with a telecommunications provider may not collect money through that provider's bills for landline service (H.B. 5211, K.Burke-D.Harris-May-Bellock et al.—Koehler-J.Collins-Holmes-Noland et al.).

Utilities. Credit reporting. A public utility that reports a customer to a credit agency for nonpayment must notify the agency within 5 business days after any full payment collected (H.B. 5025, Lyons—Mulroe et al.).

Procurement. Each regulated gas or electric utility with at least 100,000 Illinois customers must report to the Illinois Commerce Commission annually starting February 1, 2013 on procurement goals and spending on minority-, women-, and veteran-owned or small businesses. The Commission must post the reports on its Website (S.B. 2526, Sandoval-Clayborne-E.Jones-J.Collins et al.—D.Burke et al.). □

Sarah E. Franklin
Senior Research Associate

SOCIAL SERVICES

The General Assembly made major changes in Medicaid and other public aid programs to address the state's budget woes. Legislators also voted to create a commission to review the state's human services programs and recommend improvements. Other bills that passed both house are intended to help children in foster care remain with siblings, and help more blind or disabled persons avoid going to institutions.

Child Abuse and Neglect Reporting.

Personnel at institutions of higher education; personnel of athletic programs or facilities; and early intervention providers are added as mandated reporters of suspected abuse or neglect of minors (H.B. 3887, Kay-P.Evans-Gaffney-Morthland-Brown et al.—McCarter-J.Collins-Lightford).

Child Placement. The Department of Children and Family Services (DCFS) is to place children in its care with their siblings unless that is not in a child's best interest or would violate DCFS rules. In the latter situations, DCFS is to consider placements that are likely to develop, preserve, and support sibling relationships. DCFS must issue rules on developing and preserving sibling relationships. If siblings are separated in placements, it must develop a Sibling Contact Support Plan and file it with the juvenile court. The court is to review the Plan and may order it changed (H.B. 5592, Feigenholtz-Ford et al.—Hunter-J.Collins-Lightford).

Elder Abuse Reporting. The Department on Aging or a designee agency may take mandated elder abuse reports online, with the information subject to the same requirements as other confidential reports (H.B. 3986, Mussman-Costello-Cassidy-Lang et al.—Holmes-J.Collins-Lightford et al.).

Human Services Commission. An Illinois Human Services Commission, appointed by legislative leaders and the Governor, will review human services programs to ensure consistent delivery to clients. It is to make recommenda-

tions for achieving a system of more efficient and effective, high-quality human services. It is to report on its progress by June 30 each year, starting in 2013 (S.B. 278, Steans—Feigenholtz-Gabel-Verschoore-Cavaletto et al.).

Institutional Care Avoidance. The Department of Human Services' program to prevent unnecessary institutionalization of blind or disabled persons needing long-term care no longer is limited to persons with Alzheimer's and related disorders. The asset ceiling to qualify may not be reduced below \$10,000. The Department must pay personal assistants at a union-negotiated rate that is at least the federal minimum wage (S.B. 1351, Koehler-Hunter—G.Harris-Riley).

Medicaid Changes. *Budget adjustments.* A 2-year moratorium on expanding Medicaid eligibility that began in January 2011 is extended to January 2015. State departments may not seek federal waivers to expand such eligibility until January 25, 2015. Persons eligible for Medicaid or children's health insurance under waivers may get services, but the Department of Healthcare and Family Services can limit those services geographically and in other ways. If a 2010 federal provision extending Medicaid eligibility to those with incomes up to 133% of the federal poverty line is invalidated or repealed, the persons to whom it extended eligibility become ineligible (H.B. 5007, Currie-Flowers-Riley-Mayfield-W.Davis et al.—Raoul-Schoenberg-Trotter et al.).



Mammography payments. Effective January 1, 2012, providers in an approved Medicaid quality improvement program (formerly all Medicaid providers) are to be reimbursed for mammographies at the same rate Medicare pays, including any increased reimbursement for digital mammography (P.A. 97-638 (2011), enacted by S.B. 2502, Hunter-Trotter—G.Harris-W.Davis-Smith-Flowers-M.Davis et al.).

Mental Health Facility Shrinkage. No permit or exemption will be required for an ID/DD facility to reduce its bed count. But the facility must notify the Health Facilities and Services Review Board and the Department of Human Services 30 days in advance (H.B. 4563, Howard-M.Davis—Steans et al.).

Public Aid Changes. *Budget adjustments.* Numerous changes in assistance programs are made, or required to be made, due to state budgetary problems. Patients' equity in homesteads beyond a federally set level will not be exempt from being counted as assets in determining eligibility for long-term care under Aid to the Aged, Blind or Disabled. Requirements for noninstitutionalized spouses to help pay for care of their institutionalized spouses are strengthened. The Department of Healthcare and Family Services (DHFS) may reduce many kinds of reimbursement rates. DHFS must control usage of some expensive classes of drugs under Medicaid, and

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SOCIAL SERVICES

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limit most patients to four prescriptions within 30 days. Reimbursement rates to hospitals will be reduced while exempting some kinds of hospitals. DHFS may contract with a vendor for a system to verify each applicant's income, residency, and identity. It must match Medicaid applicants against various databases of financial and other relevant information, and investigate any discrepancies. The list of crimes that can disqualify a vendor under Medicaid is greatly expanded, and payments can be denied to those who owe money to DHFS or are being investigated for fraud or failure to cooperate with DHFS. DHFS is to test new payment systems intended to pay providers per case rather than based on procedures performed, and implement them after evaluation. The Senior Citizens and Disabled Persons Pharmaceutical Assistance Program is ended (S.B. 2840, Steans-Mulroe—Feigenholtz-Bellock-Winters).

Payment times. Temporary Assistance for Needy Families is to be provided within 45 (was 30) days after a valid application. Aid must be authorized effective 30 days after application (instead of on the application date) (S.B. 770, J.Sullivan-Koehler-Lightford et al.—Madigan-Currie-Ramey-Coladipietro et al.).

Veterans' Benefits. The Department of Veterans Affairs no longer is required to compare benefits for veterans in Illinois with those in other states. Its duty to provide education, counseling, and referral for veterans is made subject to fund availability (S.B. 3671, Holmes et al.—Chapa LaVia-Jackson). □

Robert L. Bayless
Senior Staff Scientist

CRIMINAL LAW

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release. If a committed person has petitioned for discharge without consent from the Secretary of Human Services and then files a second petition, and the court finds that it is frivolous or that the person is still a sexually violent person, the court is to deny any later petition unless it states facts that could reasonably indicate that the person is no longer sexually violent. A person's eligibility for commitment as sexually violent is added to the list of facts the Prisoner Review Board is to consider. Any parole of a person eligible for commitment as sexually violent is to be stayed for 90 days to allow an evaluation and court proceedings (H.B. 5330, G.Harris-Phelps et al.—J.Sullivan et al.).

Terrorism (attempted) is added to the list of crimes for which a prisoner cannot earn over 4.5 days of good-conduct credit per month (H.B. 5121, Beiser-Golar—Haine et al.).

Underage Drinking—Parental Responsibility. It becomes a Class A misdemeanor with a minimum fine of \$500 if an occupant of a residence knowingly allows any "invitee" under age 21 to drink alcohol there except as part of a religious observance—unless the occupant calls the police about the drinking before someone else does so. If the violation results in great bodily harm or death, the crime will be a Class 4 felony. An existing prohibition on parents' knowingly allowing invitees of their underage children to drink in their homes is expanded to apply to all private property under the parents' control (H.B. 1554, Sente-Cunningham-Franks-Farnham-Berrios et al.—Garrett-Schoenberg-Althoff-J.Collins et al.).

Victims. Compensation. The list of crimes whose victims are eligible for compensation is expanded to include harming or killing unborn children,

violating no-contact orders, and aggravated fleeing or attempting to elude police. Limits on several kinds of compensation to victims, including burial costs, are raised. If a victim's monetary costs are paid by the Crime Victims Compensation Program, the trial court will order the offender (if found and convicted) to pay restitution to the Program. Either party to a case before the Court of Claims may petition it for a rehearing (S.B. 3693, Haine-J.Collins et al.—Sente).

Rights. Curricula for police training schools must include instruction on how to explain to crime victims their legal rights. Police must provide written statements to crime victims explaining their rights within 48 hours after first contact. Court clerks are to post information on the constitutional and statutory rights of crime victims within 3 feet of the door of each courtroom where criminal proceedings are held, and at other places in the courthouse. A crime victim may ask to be notified of any kind of temporary release of the perpetrator from prison, including a temporary pass (H.B. 5187, Mayfield-Golar—Link et al.).

Visitation Abuse Sanctions. If a licensed driver appears to be engaging in child visitation abuse, the court may offer the driver a right to a hearing, and after such a hearing direct the Secretary of State to suspend the driver's license until the court finds adequate compliance with the visitation order. The court may allow such a suspended driver to get a family responsibility permit allowing driving for limited purposes (including taking a child to or from visitation). The court may also impose up to 6 months' periodic imprisonment and/or a fine for visitation abuse (S.B. 3823, J.Sullivan—Howard-Mathias-Pritchard-Williams et al.). □

Melissa S. Cate
Senior Research Associate

STATE GOVERNMENT & PENSIONS

The General Assembly acted to implement a 2011 law meant to improve financial reporting by state agencies, and make changes to shore up state finances. Other bills that passed both houses will restrict some pension payouts; save money on state retiree health care; and tighten procurement rules for state agencies.

Agency Operations. *Procurement; workers' compensation.* Several changes to the Illinois Procurement Code will streamline procedures and promote ethical state contracting. False certification by a subcontractor that it is not barred from state contracts will not automatically void the main contract; but the state can require the prime contractor to terminate the subcontract. If an apparent conflict of interest was not disclosed by a contractor or subcontractor, the Executive Ethics Commission (changed from chief procurement officer) will hold a public hearing on whether the contract should be voided. Chief procurement officers can set up "portals" allowing would-be state contractors to register so as to avoid submitting qualification information with each bid. Contracting for musical or artistic services at state-operated venues is exempted from the Procurement Code from the effective date of this law through 2016. At the start of 2013, the state will switch to a private provider for all its workers' compensation coverage (S.B. 2958, Althoff-Martinez-Garrett-Kotowski-Schoenberg et al.—Currie-Pritchard-Hatcher).

Vehicle use. Each executive-branch agency must have a policy on allowed uses of state vehicles, including take-home vehicles. Unless there is no alternative, the Department of Central Management Services (CMS) may not buy new vehicles without a financial analysis showing that it will 'break even' financially (H.B. 5650, McAsey-Mathias-Pihos-Hatcher et al.—Garrett-Holmes).

Appointees of the Governor. A 2011 law barring gubernatorial appointees from holding over indefinitely is expanded by making it apply to all appointees whom the Governor nominated before that law took effect, whether or not their

terms had ended by its effective date; their offices become vacant 60 days after their stated terms end. Appointees whose stated terms ended over 60 days before *this* act takes effect will leave office when it takes effect. Renewals of Workers' Compensation Commission arbitrator appointments are to be made by the Governor with Senate confirmation—not by the Commission, as under current law (H.B. 1084, Mussman-McAsey-Gordon-M.Davis-Fortner et al.—Cullerton).

Budget Provisions. *Implementation.* Numerous transfers and other temporary provisions are made to implement the fiscal year 2013 state budget. Several temporary provisions for FY 2012 are extended to FY 2013, including one preventing state agencies from making employer contributions from their General Revenue Fund payrolls to the State Employees' Retirement System (S.B. 3802, Steans—Currie).

Medicaid payments. Starting in fiscal year 2013, restrictions on the fiscal year from which payments for Medicaid services may be made are loosened. But the maximum amounts of Medicaid bills that may be paid from later fiscal years' Medicaid appropriations from the General Revenue Fund and several special funds are limited to \$700 million in fiscal year 2013 and \$100 million each fiscal year thereafter (S.B. 3397, Steans-Righter-Holmes-Rezin-Radogno et al.—Currie-Chapa LaVia-Pritchard-Flowers-Bellock et al.).

Elections. *Ballot order.* Primary petitions filed in the last hour before the deadline are to be deemed filed simultaneously, and their candidates' ballot orders determined by chance (H.B. 5203, Fortner—Dillard).

Changing parties after primary. A person who voted in a partisan primary election, or ran for a partisan office in a primary, as a member of an established party cannot run as an independent or member of a different established party in that year's general election (H.B. 2009, Fortner-Mathias—Harmon).

Early voting; PACs. The grace period to register before an election will end 3 (was 7) days before the election. Early voting may occur from 15 (was 22) until 3 (was 5) days before the election. Major public university campuses must offer places for early voting before the November 2012 election. Statutory changes are made to conform to the U.S. district judge's decision in *Personal PAC v. McGuffage* holding invalid some restrictions on gifts to independent-expenditure committees. But if such a committee, or a human being, spends over \$250,000 for or against a candidate for statewide office or \$100,000 for any other office, that fact must be reported to and posted by the State Board of Elections on its Website, and no contribution limits will apply to that office for that election. The Attorney General or a state's attorney may seek an injunction against anyone believed to be making unreported independent expenditures (S.B. 3722, Harmon-J.Collins—Currie).

Employment. *Asian-American affirmative action.* An advisory council is created to study barriers to employment of Asian-Americans in state government. State agencies must add Asian-Americans to their affirmative action programs (H.B. 4510, Acevedo-Biss-Lang-Nekritz-Mathias et al.—Muñoz-Martinez-Silverstein-J.Collins-Hunter et al.).

Occupational safety program transfer. Illinois' Onsite Safety and Health Consultation Program is transferred from the Department of Commerce and Economic Opportunity to the Department of Labor (H.B. 5336, Dugan—Althoff-Mulroe-Holmes).

Financial Reporting. The Governor and Comptroller will appoint three members each to a new Financial Reporting Standards Board. It will set minimum qualifications and training requirements for the person in each executive-branch agency responsible for submitting data to the Comptroller for the state's Comprehensive Annual Financial Report that a 2011 law requires each year starting in 2012, and help agencies comply with financial reporting requirements. These provisions are to sunset June 30, 2016 (S.B. 3794, Holmes-T.Johnson-Kotowski et al. — Madigan-Bradley).

FOIA and Prisoners. Department of Corrections prisoners cannot get documents under the Freedom of Information Act that (1) are available in their prison library or by administrative request to the Department, or (2) are prison staff personnel records (H.B. 4592, Cunningham-Morthland et al. — Millner-Althoff-B.Brady).

Medical Payments Assignment. Persons covered by the State Employees' Group Insurance Act can assign to medical providers their rights to receive payments under it. But providers getting such assignments may collect as copayments at the time of service only what is expected to be due from the patients (S.B. 3240, Haime-Frerichs-Syverson-Bomke et al. — Bradley).

Pay Limits and Reductions. There will be no inflation adjustments to legislators' and other high state officials' pay in FY 2013. Reductions imposed for FYs 2011 and 2012 on legislators' *per diem* and mileage allowances are continued through FY 2013; legislators must also take 12 furlough days in FY 2013 (H.B. 3188, Gabel-Biss-Mussman-Costello-Farnham et al. — Kotowski-Koehler-Haime-Forby-J.Sullivan et al.).

Pensions. Actuary. The Auditor General must employ a person as State Actuary to analyze the state-funded retirement systems' assumptions and valuations, and recommend to those funds' boards any changes needed.

By January 1 of each year starting in 2013, the State Actuary must report to the Governor and General Assembly on those matters and the funds' responses. By January 15 of each year, each fund's board must certify to the Governor and General Assembly the amount of required state contributions to its fund—noting any differences from the State Actuary's recommendations, and the reasons for and fiscal effects of not following those recommendations (S.B. 179, Clayborne—Madigan-Currie).

Ex-legislators. If a former state legislator is hired by a public employer, serves less than 2 years, and gets a higher average salary there than as a legislator, that employer must reimburse the General Assembly Retirement System for its resulting higher pension costs (H.B. 3969, Cross-Kay-Senger et al. — Murphy-J.Collins-Raoul et al.).

False statements; union officers. Any suspicion based on articulable grounds that a public pension fund's statements or records are false must be reported to an appropriate authority; fiduciaries (apparently including trustees) can be held personally liable for noncompliance. Local police officers and firefighters taking leaves of absence to serve as union officers may get pension credit for that service only if they were in sworn status and subject to department standards during the leaves. Chicago employees, along with professors and teachers, taking such leaves cannot have their pensions based on union pay, and will not get any pension credit for such leaves that start after January 4, 2012. Part of a law signed in 2007, allowing teachers' union employees to buy Teachers' Retirement System credit for previous service to a union, is declared void and repealed (H.B. 3813, Cross-Madigan-D. Harris-Pihos-Bellock et al. — Raoul-Sandack-Kotowski).

Metro Water Reclamation District. Some District employees must make, and the District must levy a tax to pay, higher pension contributions based on their pay (H.B. 4513, Nekritz-Lang et al. — Cullerton-Maloney).

State Retiree Health Care. Eligibility. Persons who stop working under a state-funded pension plan after this act takes effect will be eligible for state employee group insurance only if they worked the minimum number of years required for vesting of public pensions. Persons who become survivors or dependents of survivors of a former state employee after this act takes effect will be eligible for health benefits only if the former employee was eligible (S.B. 1538, Haime-Jones-Noland-Martinez-Hunter et al. — Rose et al.).

Premiums. Retirees under the General Assembly, State Employees', State Universities, Teachers', and Judges Retirement Systems will have to pay part of the cost of state employee group health coverage (unless they terminate the coverage) at rates set annually by the Director of CMS (S.B. 1313, Schoenberg-Radogno—Madigan-Cross-Yarbrough).

Veterans. Drivers' licenses. By July 2015, the Secretary of State is to have a space on drivers' licenses and state ID cards to designate the holder as an honorably discharged, active-duty veteran (S.B. 2837, Althoff-C.Johnson-B. Brady-McCann-Martinez et al. — Fortner-Unes-Chapa LaVia-Cole-D'Amico et al.).

Police qualifications. Honorably discharged veterans, and current National Guard or reserve members, who have been awarded service or campaign medals from recent conflicts are deemed to meet the educational standards for conservation police officers (H.B. 4983, Acevedo-Costello-Soto-Hernandez-Berrios et al. — Muñoz). Honorably discharged veterans who were awarded Iraqi or Afghan campaign medals are deemed to meet the educational standards for Department of State Police officers (S.B. 1587, Muñoz-Kotowski-Crotty et al. — Acevedo-Berrios-D. Brady-Hernandez-Chapa LaVia et al.).

□

David R. Miller
Deputy Director for Research

TRANSPORTATION

Legislators voted to put further restrictions on drivers' use of cellular communication devices; authorize camera enforcement against speeders in Chicago safety zones; and deny supervision to drivers who greatly exceed speed limits. Penalties can be imposed on drivers who obscure their license plates from view. A new commuter rail district in McHenry County is authorized.

“Booting” Vehicle Tax Violators.

Chicago may immobilize vehicles to enforce its vehicle tax, subject to administrative processes like those required for parking or moving violations (H.B. 4988, Burke-D’Amico-Cunningham-Reboletti et al.—Maloney).

Cellphones & Other Wireless Devices.

Commercial vehicles. Drivers may not text, use hand-held cellphones, or visit Websites while driving commercial vehicles, unless communicating with police or emergency services. Such actions are declared “serious traffic violations”—two of which within 3 years brings a temporary suspension from driving a commercial vehicle. GPS and other transportation-related devices are excepted (H.B. 5101, D’Amico—Sandoval).

Emergency scenes; sending pictures.

A driver may not use a “wireless telephone” (broadly defined) within 500 feet of a place where an emergency vehicle has flashing lights, except to report an emergency or communicate with emergency personnel during the emergency. Sending or receiving digital photographs or video recordings is added to the ban on composing, sending, or reading electronic messages when driving (H.B. 5099, Costello—Haine).

Crash Followup. If a vehicle crash causes only property damage, any driver involved may legally go to the next exit ramp or other safe place to stop and exchange information with other drivers (S.B. 3409, Silverstein—Mathias-Mayfield).

Disability Parking (I). Medical personnel can be prosecuted for knowingly making false certifications of disabilities. Fines for fraudulent use of disability insignia when parking are doubled to \$1,000 (first offense) or \$2,000 (repeat offense). The blanket exemption of persons with disabilities from paying parking meters or obeying most time limits on parking ends January 1, 2014. Starting then, separate insignia issued by the Secretary of State will be needed to do that (H.B. 5624, May-D’Amico-Jakobsson-Bellock-Mathias et al.—Crotty et al.).

Disability Parking (II). Improperly using insignia of a deceased person to park in a place for persons with disabilities becomes a Class A misdemeanor and is to bring automatic license suspension. The fine for using valid insignia without having the person entitled to use them in the vehicle is raised from \$750 to \$1,000 (H.B. 5056, D’Amico-DeLuca-Crespo-Soto et al.—Sandoval et al.).

Driver’s Licenses. The Secretary of State can adopt rules for putting information on licenses about a driver’s conditions (such as medical) (H.B. 4692, Pritchard—B.Brady-Koehler et al.).

Illiana Expressway. The Illinois Department of Transportation can use “quick take” eminent domain to take land for this future expressway (S.B. 3318, Hutchinson—DeLuca-W.Davis-Riley-Zalewski et al.).



In-Line Skaters 18 or older, in cities except Chicago, may skate on streets with speed limits up to 45 m.p.h. during daylight and be treated like vehicles. They also are not barred from using bike lanes (S.B. 3336, Harmon—Nybo-Lilly-E.Sullivan).

License Plates. Fast delivery; motorcycles. The Secretary of State may offer expedited issuance of license plates for up to \$10 extra. Professional sports team license plates can be issued for motorcycles (S.B. 3555, Trotter—Rita).

Veterans’. A veteran with at least 50% service-related disability can get license plates for a vehicle of up to 8,000 pounds with no registration fee—but unless qualified for “person with disabilities” plates, cannot park in places for persons with disabilities (H.B. 1151, Walsh-Jackson-Golar-Bellock-Flowers et al.—Sandoval-Haine).

License Plate Visibility; Unregistered Vehicles; Motorcycle “Wheels.” Modifying the manufacturer’s mounting location for a rear plate to obscure it is prohibited and may result in driver’s license revocation. A driver who attempts to elude police by concealing or altering a license plate commits aggravated fleeing or attempting to elude police—a Class 4 felony also resulting in license revocation. Police can have any vehicle that is no longer registered towed from a roadway. Riding a two-wheeled motorized device on one wheel and over

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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.

Bilingual employees, 2011

On March 21, 2012, CMS had 6 bilingual employees. Each spoke Spanish. (5 ILCS 382/3-20; March 2012, 2 pp.)

Business Enterprise Program annual report, FY 2011

State agencies and universities awarded \$274 million in contracts to certified businesses under Business Enterprise Program for Minorities, Females, and Persons with Disabilities Act, surpassing statutory goal of approximately \$146 million. Lists 54 agencies' and 9 universities' statutory and targeted goals and value of contracts to firms under the program. (30 ILCS 575/8f; March 2012, 63 pp. + summary)

Property leasing, 2011

The state made no new installment or lease purchases in 2011. (20 ILCS 405/405-300; Jan. 2012, 1 p.)

State report printing summary, 2011

Lists six agencies printing annual reports using CMS or outside printers. The 2,150 copies printed cost \$10,833. Illinois Sports Facilities Authority printed the most copies: 1,000. (30 ILCS 500/25-55; Jan. 2012, 3 pp.)

Commerce & Economic Opportunity Dept.

Angel Investment Tax Credit Program, 2011

Program is designed to encourage interested firms or persons to invest in one of Illinois' innovative, qualified new business ventures. About \$2 million of credits were awarded to 62 claimants. Of the 58 businesses registered as qualified new business ventures, 18 received investments that allowed issuance of tax credits. (35 ILCS 5/220(h); March 2012; 10 pp.)

Energy conservation technical assistance update, 2010

Department's Energy Performance Contracting Program helps state and local governments, schools, and non-profit organizations. The five projects completed were expected to save \$3.3 million annually. Department's Building Industry Training and Education Program partnered with International Code Council to provide 25 days of training on Illinois Energy Conservation Code to 538 persons. Large-customer Energy Analysis Program helps large businesses manage energy costs by identifying best practices. (20 ILCS 1115/5; undated, rec'd April 2012, 5 pp.)

Energy Efficiency Trust Fund Program Report, 2010

DCEO administers programs to promote residential energy efficiency, emphasizing low-income housing. Highlights three programs: (1) Illinois Energy Star® Appliance Rebate Program: \$11.7 million federal and \$856,000 from trust fund for 81,201 rebates for water heaters, HVAC systems, and home appliances; (2) Illinois Energy Efficient Affordable Housing Construction Program: \$1.5 million for incremental energy-efficiency costs in low- and moderate-income households; and (3) Lights for Learning: \$50,000 in school year 2009-10 for compact fluorescent lights in schools. (20 ILCS 687/6-6e; undated, rec'd April 2012, 5 pp.)

Urban Weatherization Initiative report, 2011

The program makes grants up to \$500,000 per year to entities working with local organizations to offer job training in weatherization and support weatherization of owner-occupied homes with 1 to 6 units. Targeted areas have

high unemployment, underemployment, and poverty. Two grants for training were made, helping 16 grantees. Grantee performance measures have not been determined. (30 ILCS 738/40-40(h); Dec. 2011, 5 pp.)

Comptroller

Fee imposition report, FY 2011

State got \$7.646 billion in fees to 90 agencies. Largest collector, Secretary of State, took in \$2.103 billion (28%). Some 94% went to restricted funds, including 33% to special state funds and 17% to highway funds; only 6% went to General Funds. Describes fees; amounts collected by agency; and disposition. (15 ILCS 405/16.2; April 2012, 14 pp. + 5 appendices)

Receivables report, 2011

Gross receivables due to the state at 2011 yearend were \$14.7 billion, up \$864 million (6%) from 2010. Growth resulted mostly from \$303 million in revolving loan receivables at Environmental Protection Agency, and \$50 million in child support claims and \$222 million in related interest charges at Department of Healthcare and Family Services. Net receivables (believed collectable) were \$2.8 billion, up \$444 million (19%) from 2010. Child support was the largest category (32%). Other categories include interest and investment income (15%), public assistance recoveries (12%), taxes (12%), contributions (4%), and current loan and note repayments (2%). Other receivables such as licenses and fees, federal reimbursements, and university activities were 23% of total. Lists receivables by agency. (30 ILCS 210/4(d); March 2012, 28 pp.)

Educational Labor Relations Board

Annual FY 2011 report

Board handled 84 representation cases; was involved in mediation in 3 strikes; and considered 263 unfair labor practice cases. Summarizes major Board decisions and court rulings. Board's budget was \$1.05 million. (115 ILCS 5/5(j); Feb. 2012, 24 pp.)

Employment Security Dept.

Bilingual front-line staff, 2011

On March 16, 2012, IDES had 168 bilingual front-line employees; 156

(continued on p. 32)

BILLS WITH GOVERNOR'S ACTION

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

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

Information on all 2012 bills and Public Acts, including their texts, is available at: <http://www.ilga.gov/>
 Click on the "Bills & Resolutions" or "Public Acts" link near the top of the page for information on a given bill or Public Act. Information on the General Assembly's workload over the years can be found at the LRU's page.

H.B.	Public Act 97-	H.B.	Public Act 97-	H.B.	Public Act 97-	S.B.	Public Act 97-	S.B.	Public Act 97-
196	1051	4548	768	5280	1073	1313	695	3261	690
222	744	4563	980	5289	1074	1351	1019	3287	913
735	1059	4592	783	5314	999	1538	668	3318	808
1084	719	4598	958	5330	1075	1587	640	3320	1117
1151	918	4606	981	5336	787	1652	616	3336	1023
1261	1107	4636	919	5362	837	1692	849	3349	1118
1390	720	4662	920	5434	848	1701	678	3367	1025
1554	1049	4663	921	5444	788	1795	650	3393	682
1645	1035	4665	953	5493	838	1849		3397	691
1882	721	4689	954	5539	960	1865	674	3409	763
1907	686	4692		5587	1040	2194	688	3423	889
1981	857	4753	1110	5592	1076	2332	725	3433	1026
2009	681	4757	899	5602	1104	2348	685	3442	V
2582	1108	4761	1067	5606	1008	2378	726	3452	743
3036	646	4819	907	5624	845	2409	727	3487	896
3188	718	4863	984	5635	1009	2413	728	3497	1121
3366	1109	4968	713	5642	962	2443	729	3507	709
3779	1060	4983	948	5650	922	2450	684	3508	890
3782	875	4986	853	5653	865	2454	730	3514	825
3801	917	4988	937	5689	1037	2474	731	3517	874
3806	975	4996	968	5771	1113	2502	638	3533	1027
3810	772	5007	687	5823	1042	2526	1041	3549	1029
3813	651	5016	1070	5877	847	2528	762	3555	914
3819	915	5023	938	5893	1015	2537	1079	3576	1091
3825	923	5025	821	5914	814	2545	1056	3579	699
3826	956	5047	939	5922	1017	2569	941	3592	1093
3859	976	5056	844	S.B.	Public Act	2621	697	3593	1094
3881	843	5071			97-	2706	703	3594	1095
3887	711	5073	835	38		2837	739	3597	912
3934	749	5099	828	73	670	2840	689	3602	816
3969	967	5101	829	179	694	2849	803	3619	1097
3986	860	5104	1071	180	970	2850	742	3638	1098
4013	924	5114	714	275	710	2867	1081	3665	693
4028	1063	5121	990	278	1077	2882	1082	3671	765
4029	951	5122	1072	397	636	2888	831	3673	1046
4076	777	5187	815	400	652	2897	885	3677	1032
4081	846	5192		555	1018	2934	1115	3693	817
4119	733	5203	1044	638	702	2937	1116	3722	766
4126	778	5211	822	639	880	2941	886	3726	1099
4242	716	5212	964	679	972	2945	V	3727	957
4447	879	5221	994	681	AV	2950	1101	3766	V
4496	852	5233	872	770	683	2958	895	3792	966
4510	856	5235	995	965	672	3201	1085	3794	1055
4513	894	5250	997	1034		3240	1086	3800	950
4520	706	5265	998	1047	761	3241	767	3802	732
4523	929	5266	864	1259	666	3244	704	3809	700
4526	1057	5278	897	1286	796	3252	1022	3811	824
						3258	698	3823	1047

TRANSPORTATION

(continued from p. 28)

the speed limit becomes aggravated operation on one wheel, with a minimum fine of \$100 (S.B. 3452, Trotter—Dugan-Penny).

Motorcycles at Red Lights. The “reasonable . . . time” that (under last year’s P.A. 97-627) a motorcyclist must wait before entering an intersection if the light stays red due to malfunction or failure to detect the motorcycle is now defined as at least 2 minutes (S.B. 2528, Forby—Beiser-Phelps-Costello-Moffitt et al.).

Slow-Moving Vehicle Emblems may not be on any object, not a qualifying vehicle, that can be seen from a roadway. Violation will bring a \$75 fine (H.B. 4598, Verschoore-Beiser—Koehler-Holmes et al.).

Speeding. Camera enforcement. Chicago can use automatic cameras to catch speeders in safety zones (city blocks, any parts of which are

within 1/8 mile of the property line of a school or park) during and around the times when those places may be open for use. Owners whose vehicles exceed the limit by 6-10 m.p.h. must either contest the charge or pay a civil penalty up to \$50; if the limit is exceeded by more than 10 m.p.h., the penalty will be up to \$100. (A driver to whom police issued a ticket for speeding at about the same time and place cannot also be charged this penalty.) The city must give warning by signs starting 30 days before such enforcement begins on a street (S.B. 965, Cullerton et al.—Madigan-Currie and S.B. 1865, Sandoval—Currie).

No supervision for lead foot. A driver exceeding the speed limit by more than 25 m.p.h. in an urban district, or more than 30 m.p.h. elsewhere, cannot get supervision (S.B. 2888, Crotty-Hunter-E.Jones et al.—Mathias-Riley-D’Amico-Beiser-Cunningham et al.).

Transit District. A Northwest Metra Commuter Rail District (to consist of

all McHenry County municipalities plus any area annexed to the District) can be created under the Local Mass Transit District Act (S.B. 2937, Althoff—Tryon).

Various Changes. A Vehicle Code section, under which driving on a roadway constitutes consent to field testing for DUI, will apply whether or not the driver has been arrested (formerly only if there was no DUI arrest). The Secretary of State may waive fees for duplicate drivers’ licenses, certificates of title, and other documents for disaster victims for 30 days after the Governor declares a disaster in their area. State residents returning from overseas military duty need not get Illinois drivers’ licenses for 120 (was 90) days after entering the continental U.S. The Secretary of State may use criminal history information at hearings on discipline of driver training schools or instructors (H.B. 5073, Phelps—Forby). □

*Kevin Jones
Research Associate*

Types of Actions Governor Can Take on Bills

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

Total Veto

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

Amendatory Veto

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

Item and Reduction Vetoes

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



Legislative Research Unit
222 South College, Suite 301
Springfield, Illinois 62704



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FIRST READING

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Alan R. Kroner
Executive Director

Jonathan P. Wolff
Associate Director

David R. Miller
Editor

Dianna Jones
Composition & Layout

ABSTRACTS

(continued from p. 29)

spoke Spanish, 8 spoke Polish, 3 spoke Chinese, and 1 used manual communication. Lists all front-line bilingual employees, job titles, and descriptions. (5 ILCS 382/3-20; April 2012, 5 pp. + attachments)

Human Services Dept.

Illinois childcare report, FY 2011
Department spent \$929.8 million on employment-related child care assistance, helping an average of 91,400 families with 173,100 children. Average monthly payment per child (including

subsidy and co-pay) was \$421. Maximum income for a family of three was \$33,876. Among participants, 94.1% are single parents and 47.9% are at or below federal poverty threshold. (20 ILCS 505/5.15; April 2012, 23 pp.)

Illinois Community College Board *Adult Education and Family Literacy report, FY 2011*

Adult education programs served 106,939 students: 59,075 English as a Second Language students; 24,631 students in Adult Basic Education; 18,032 Adult Secondary Education students; 2,480 who earned high school credit; and 2,721 vocational students. GEDs were earned by 16,203 people. Providers include community colleges (39); community-based organizations (25); local education agencies (23); faith-based organizations (3); 4-year colleges (1); and the Department of Corrections (1). (105 ILCS 405/2-4; undated, rec'd Feb. 2012, 4 pp.)

Legislative Audit Commission

2010 annual report
Commission reviewed 202 compliance and financial reports and 3 performance audits. Accomplishments include enactment of laws; review of all emergency

purchases by state agencies; Web page maintenance; and publication of revised editions of *Purchasing Laws* and *University Guidelines*. Statewide Single Audit for FY 2009 contained 93 findings, included 65 repeated. It found that the state's process for compiling information on spending federal funds is inadequate and does not allow timely and accurate reporting. (25 ILCS 150/3; March 2012, 39 pp.)

Toll Highway Authority

Inspector General report, Oct. 2011 to Jan. 2012

Toll Highway Inspector General was named in 2010 to investigate allegations of fraud, waste, abuse, mismanagement, misconduct, nonfeasance, misfeasance, or malfeasance. From October 2011 to January 2012 the Inspector opened 13 investigations and closed 29. The office received 25 public complaints and closed 19. The office has also completed a formal review and revision of its office operations. The IG collected \$5,838 in restitution to the Tollway during last 6 months. (605 ILCS 10/18.5(m); March 2012, 10 pp.)