

Major bills passed by the Illinois General Assembly

This issue of *First Reading* summarizes major bills as they passed both houses of the General Assembly, and reports the Governor's actions on each of them. During the 2002 sessions which adjourned on June 11, a total of 348 bills passed both houses. Public Act numbers for bills already enacted are on page 27 of this issue. Information on all bills of the session is available on the World Wide Web at:

www.legis.state.il.us/legisnet/legisnet92/92gatoc.html

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Appropriations and State Budget

The state budget for fiscal year 2003 is \$54.72 billion—3.85% over last year's \$52.69 billion. General Revenue Fund appropriations fell about 4.68%, from \$23.4 billion to \$23.3 billion. But appropriations from other state funds and from federal funds rose 10.67%, from \$29.3 billion to \$32.4 billion.

The largest increases by number of dollars go to the Department of Transportation (up \$1.3 billion, 15.5%); Department of Public Aid (up \$568 million, 7.1%); Environmental Protection Agency (up \$308 million, 25.5%); Capital Development Board (up \$283 million, 8.2%); and Department of Central Management Services (up \$238 million, 9.0%).

Fiscal year 2003 is the fourth year of the Governor's 5-year, \$12 billion "Illinois FIRST" program to rebuild the state's infrastructure. Two of the five agencies getting the largest dollar increases reflect both new appropriations and reappropriations. The increases to the EPA include funds for a Water Pollution Control Revolving Loan program to help local governments build, upgrade, and repair wastewater facilities. Increases to the Department of Central Management Services include additional funding for the state employees' and retirees' group insurance program.

Increases in general obligation bonds will be used for capital facilities (\$694 million); school construction (\$930 million); and anti-pollution (\$19 million) programs. Total general obligation bond authorization rises by \$1.6 billion (10.8%), from \$15.3 billion to \$16.9 billion.

Build Illinois bond authorization rises \$265 million (7.5%), from \$3.5 billion to over \$3.8 billion. Build Illinois bond increases will be used for

educational programs and facilities (\$201 million); economic development (\$46.7 million); and public infrastructure and transportation (\$17 million).

Elementary and secondary education gets an additional \$249 million (3.1%) from all funds. The statewide minimum spending level remains the same as in FY 2002 (\$4,560 per student). Local education got a slightly smaller share of the total state budget than last year—15.1% versus 15.2% (see Figure 1). But its share of General Revenue Fund spending rose slightly, from 26.5% to 27.4%. Both General Revenue Funds (GRF) and other state funds declined from FY 2002 levels. The increase in education funding is in federal funds due to the No Child Left Behind Act. Total fiscal year 2003 appropriations for local public education are \$8.25 billion.

Funding to state colleges and universities declined \$33.3 million (-1%) from \$3.224 billion to \$3.191 billion. The percentage of the state budget going to higher education also declined, from 6.1% to 5.8% (see Figure 1).

Funding to two of the three largest social service departments declined: Human Services, -2.33% and Children and Family Services, -3.97%. Funding for the Department of Public Aid rose 7.05%. The highlight of the Department's budget is funding for two new programs. Senior Care is a new pharmaceutical program

providing comprehensive drug benefits to low-income seniors. Family Care expands health coverage to uninsured parents and guardians of KidCare recipients. The Department of Public Aid also raised the income limit for the Aid to the Aged, Blind and Disabled program to 100% of the federal poverty level.

The General Assembly appropriated \$346.5 million from the Tobacco Settlement Recovery Fund for fiscal year 2003, mainly for these purposes: \$223.5 million for programs for the elderly; \$35 million to fund the third year of the state Earned Income Tax Credit; \$19.5 million for tobacco prevention and control; \$20.9 million for medical research and treatment; \$8.5 million for VentureTECH; \$27.3 million for medicaid drugs; and \$11.8 million for various capital projects.

Total appropriations for FY 2003 exceeded the Governor's revised Memorial Day budget recommendations by \$805 million. Appropriations exceeded his original budget recommendations by \$1.9 billion. New appropriations in the FY 2003 budget are \$44 billion; the other \$10 billion is reappropriations. Actual reappropriations as of July 1, 2001 will be slightly less due to funds spent between the time of the budget requests and the end of the fiscal year. (The numbers given here are final amounts enacted after action on vetoes.)

The fiscal year 2003 budget is in the following acts:

Public Act 92-538, enacted by S.B. 2393 (Rauschenberger—M.Madigan-Daniels-Hannig-Tenhouse-Schoenberg).

Public Act 92-596, enacted by H.B. 2828 (M.Madigan-B.F.Currie-Feigenholtz-Giles—Rauschenberger-Trotter).

Public Act 92-597, enacted by H.B. 4580 (M.Madigan-Hannig—Rauschenberger).

Public Act 92-598, enacted by H.B. 4581 (M.Madigan-Hannig—Rauschenberger).

Public Act 92-600, enacted by H.B. 5686 (M.Madigan-Hannig-Burke-Daniels-M.Davis—Rauschenberger).

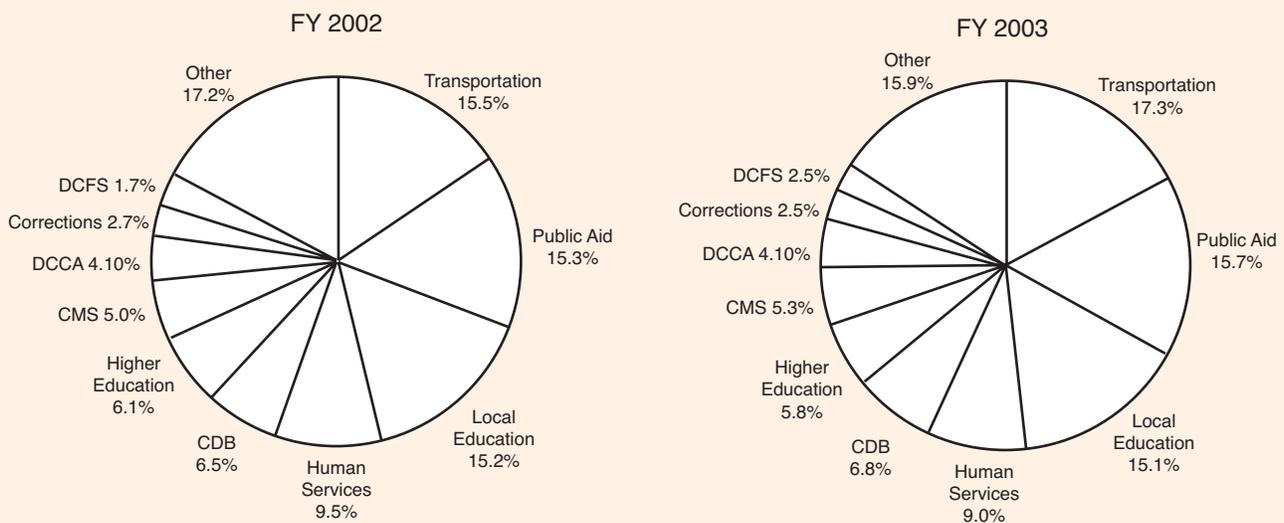
Public Act 92-____, enacted by H.B. 6061 (M.Madigan-Hannig-Schoenberg et al.—Philip-Rauschenberger). □

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Appropriations From All Funds (billions)

	FY 2002	FY 2003	Change	% of FY 2003 total
Transportation	\$8.2	\$9.4	\$1.3	17.3%
Public Aid	8.0	8.6	0.6	15.7
Local education	8.0	8.2	0.2	15.1
Human Services	5.0	4.9	-0.1	9.0
CDB	3.4	3.7	0.3	6.8
Higher education	3.2	3.2	0.0	5.8
CMS	2.7	2.9	0.2	5.3
DCCA	2.1	2.3	0.1	4.1
Corrections	1.4	1.4	-0.1	2.5
DCFS	1.4	1.4	-0.1	2.5
All others	9.1	8.7	-0.4	15.9
Total appropriations	\$52.7	\$54.7	\$2.0	100.0%

Figure 1: Allocation of Appropriations to All Funds



Business & Economic Development

The General Assembly voted to require fire sprinkler contractors, crematories, and underground storage tank contractors to be licensed. Legislators voted again to create a “do not call” list for telephone solicitation (a bill last year was vetoed). Some parts of the transition period for electric utility deregulation are lengthened from 2005 to 2007, and the possibility of municipalities’ buying power for their residents will be studied.

Animal Cruelty. The prohibition on giving rabbits and birds as prizes is extended from prizes in games of chance to all prize awards. Several changes, mostly nonsubstantive, are made in prohibitions on arranging fights by dogs or other animals (S.B. 1806, J.Myers-Bowles—Rutherford-Holbrook-Feigenholtz-Franks-Dart).

Automobile Damage Disclosure. Telephone and video equipment are added to the categories of automobile components whose damage need not be reported to new-vehicle buyers if it was replaced with equipment from the original manufacturer (S.B. 1851, T.Walsh-DeLeo—O’Brien).

Banking. Account information. Financial institutions can share information on their customers’ identities and financial condition with merchants, manufacturers, trade groups, and those organizations’ affiliates to help the latter finance sales of goods to customers (S.B. 119, O’Malley-Welch—Schoenberg-Rutherford-Garrett-May).

Foreign languages. A financial institution, insurer, or securities firm can conduct transactions in non-English languages using interpreters (H.B. 5822, Capparelli-Saviano-Bugielski-J.Lyons—Link-Munoz-L.Madigan)

Regulation. A bank planning to offer a service that is legal in Illinois because other states allow it must give 30 days’ notice to the Commissioner of Banks and Real Estate. A change in ownership of bank (or corporate fiduciary) shares that gives one party at least 25% of voting power requires the Commissioner’s approval. A financial institution changing its “routing number” for checks and electronic fund transfers must give customers at least 30 days’ notice (H.B. 4409, Lindner-E.Lyons-McCarthy-Black-Meyer—Parker-Lightford).

Crematories must be licensed by (now only registered with) the Comptroller. Cremation can be done only by persons certified by a program recognized by the Comptroller (new employees have up to 1 year to be certified). A Comptroller’s agent can inspect a crematory’s records for compliance with the Crematory Regulation Act. The Comptroller can investigate and take testimony if anyone appears

to be violating the Act, and hold a hearing on whether a licensee’s license should be taken. The Comptroller can impose a civil penalty up to \$5,000 for violating the Act or an order under it (H.B. 4696, M.Davis-D.Brady-S.Davis-Biggins-Feigenholtz et al.—Burzynski-Bowles-Silverstein).

Electricity Markets. Deregulation. The time during which an electric utility (if it replaced its fuel adjustment clause by including fuel in its base rate—or if serving over 1 million customers, it abolished the clause) cannot reinstate fuel adjustment is extended 2 years, to January 2007. Some adjustments were made in limits on the rate of return of electric utilities during the transition to deregulation (S.B. 2081, Sullivan-Mahar-L.Walsh-Geo-Karis—Novak-Hassert-Cowlshaw-Granberg-Brunsvold).

Municipal entry. The Illinois Commerce Commission (ICC) must report by next January 15 on “the value of municipal aggregation of electricity customers” (opportunities for pooled buying of electricity). In preparing the report, the ICC must consult with municipalities. An electric utility, for a reasonable fee, must give a local government information on the characteristics of its local customers as a

INSTANT REFUND!!*

*tax anticipation loan

House Bill 4106 (summarized on p. 5) is intended to regulate advertisers of loans such as this.

group (S.B. 1569, Rauschenberger-Ronen-Sullivan et al.—Novak-B.F.Currie-Hultgren-Brunsvold).

Fire Sprinkler Contractors must be licensed by the State Fire Marshal. Requirements for a license include (1) having at least one person in a supervisory position who is certified for sprinkler installation, and (2) having liability insurance required by the Fire Marshal and the new act. Persons or businesses with 3 years' experience installing or repairing sprinkler systems when the bill is signed need not meet requirement (1) above; and no license is needed to install sprinklers in buildings of 1 to 8 residences rising no more than 2½ floors above the ground (S.B. 1622, DeLeo-Sullivan-Parker-Viverito—Saviano).

Gas Utilities. Providers of heating, ventilating, or air conditioning service, if affiliated with a gas utility and operating in its service area, must disclose in advertising that they are not regulated by the Illinois Commerce Commission. Employees of a gas utility having such an affiliate cannot market it on repair calls. Alternative gas suppliers (basically suppliers that are not public utilities) can service small businesses (now only residential customers). Customers must get the option of receiving a single bill for charges from a gas utility and an alternative gas supplier. Annually until 2007, the Commission must study and report on alternative gas suppliers and the development of natural gas markets in the state (H.B. 4667, Hamos-B.F.Currie-S.Jones-Novak—Sullivan-Obama).

Insurance and Hate Crimes. An insurer may not cancel, or refuse to issue or to renew, a policy for an individual or religious or educational organization due to insurance claims in the last 5 years which police reports identified as due to hate crimes

(H.B. 4371, Lang-Cross-Osmond-McKeon-Mathias et al.—Sullivan-Parker-Silverstein-Obama).

911 Surcharges. A municipality imposing a surcharge on phone lines can impose 5 surcharges per voice-grade line connecting a PBX or Centrex system to a local phone company (H.B. 5709, Beaubien-J.Lyons-Mendoza-Mathias—Dillard-Clayborne).

Set-Asides. The limit on annual sales of businesses owned by minority, female, or disabled persons that can qualify for state contracts is raised from \$14 million to \$27 million (H.B. 4444, Berns-Mulligan-B.F.Currie-L.Jones-Turner et al.—Karpel-Geo-Karis-Trotter-Bowles).

Shareholder Electronic Meetings. Business and nonprofit corporations can hold electronic shareholder meetings, unless their articles of incorporation or by-laws ban them (H.B. 4228, Hoeft-Howard-Rutherford-Mathias-Hultgren—Radogno-Halvorson).

Storage Tanks. Contractors must be licensed by the State Fire Marshal to install, repair, or remove underground storage tanks (by implication for petroleum) starting 6 months after the bill is signed. License requirements include \$1 million of financial responsibility, and compliance with qualifications set by the State Fire Marshal. Home-rule units cannot regulate licensees; but the State Fire Marshal can contract with Chicago to enforce petroleum storage regulations (H.B. 1815, Saviano—Peterson).

Tax Refund Anticipation Loans. A maker of such loans must disclose, on a sheet separate from each loan application, (1) the loan fee schedule, (2) the estimated fee to prepare and file a return electronically, (3) when the borrower should get loan proceeds, (4) that the borrower must repay if the refund does not arrive, and

(5) the availability of electronic filing and how soon an electronic filer can expect a refund. Financial institutions and consumer installment lenders are exempted (H.B. 4106, Colvin-Howard-Yarbrough-Flowers-Brosnahan et al.—Sullivan).

Telephone Soliciting. The Illinois Commerce Commission will create a registry of residential subscribers who decline telephone solicitations. Initial enrollment will cost up to \$5 and last 5 years; it can be extended at no charge. As of July 2003, soliciting a subscriber by phone more than 45 days after the subscriber's number appears on the list will be prohibited. Exceptions include calls with the subscriber's consent; to established customers; by real estate or insurance licensees; by charitable organizations; and (until July 2005) by local or long-distance phone companies. The ICC can fine a violator up to \$1,000 for a first offense and \$2,500 for a repeat offense (S.B. 1830, Sieben-Obama-Silverstein-Bomke-Geo-Karis et al.—Hoffman-Black-Franks-Garrett-Forby).

Warranty Work on Outdoor Equipment (except automotive) must be reimbursed by the manufacturer at whatever hourly rate each dealer charges for non-warranty work—unless the manufacturer by written agreement allows the dealer a flat sum for repairs that is at least 5% of suggested retail price (H.B. 4720, Mike Smith-B.F.Currie-Fritchey—Noland). □

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Civil Law

The General Assembly voted to extend to National Guard members on active duty the protections of re-employment after such duty, and of a federal law for military personnel against civil actions such as foreclosures; and to bar clauses requiring Illinois construction contracts to be enforced by courts, or under laws, of other states.

Construction Contracts. Effective upon signing of the bill, contract provisions subjecting building or construction contracts that will be performed in Illinois to other states' laws or forums are declared unenforceable—except contracts made by the U.S. or a state (H.B. 811, Kurtz-Hoffman-Parke-Beaubien-Mathias et al.—Dillard-Link).

Evicting Squatters. If property is occupied with no lease or other agreement, the owner may serve or post a demand for immediate possession, naming “unknown occupants”—who can reply and seek a hearing (S.B. 1934, Roskam—Hoffman-Righter-Black).

Lawyer Assistance Programs. The Illinois Supreme Court is invited to support nonprofit lawyers' assistance programs for addiction and mental health treatment. Such programs can be funded by an annual fee (initially \$7) on each Illinois lawyer (H.B. 4078, Ryan-Hamos-Boland-Mathias-O'Brien et al.—Roskam).

National Guard Members. *Civil relief.* Illinois National Guard members while on active duty must get all benefits of the federal Soldiers' and Sailors' Civil Relief Act of 1940 like persons in the regular military, if they provide written notice of active duty in accordance with that Act. Those doing so must later provide written

notice within 30 days after ending active duty (S.B. 1583, Philip-Dudycz et al.—Capparelli-J.Watson-McAuliffe-Holbrook-May).

Re-employment. Members who had private or government jobs must be re-employed after state active duty (with some exceptions) if they gave their employer advance notice of military service; their service was honorable; and they report back for work within stated time limits (H.B. 4457, J.Watson-Black-McKeon-Parke-Ryan et al.—Donahue-Munoz-J.Myers-Parker-B.Brady).

Teenage Umpires. A person 12 or 13 years old can officiate at games for a nonprofit youth club or local park agency if several conditions are met (H.B. 5996, E.Lyons-Bellock-Lindner-Hultgren-Mathias et al.—Radogno-Parker-Lauzen-T.Walsh-Dillard). □

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Criminal Law

A major antiterrorism bill is intended to stop funding of terrorist organizations; facilitate eavesdropping on and searching of suspected terrorists; allow statewide grand juries to investigate terrorism; and raise penalties for terrorism, to include death if murder is involved. The General Assembly also voted to punish use of false identification to board public transportation vehicles; raise the penalty for illegally entering a nuclear facility; and increase protections against financial fraud and child sexual abuse. Every person imprisoned in the future must provide a sample for DNA testing before release. Persons who drive after losing their licenses due to DUI offenses, leaving the scene of an accident with injury, or reckless homicide may have their vehicles forfeited. Juvenile drug courts can be established to deal with nonviolent juvenile drug violators.

Air Bag Fraud. Knowingly installing a fake or incorrect type of air bag in a vehicle becomes a new Class A misdemeanor (H.B. 4353, Fowler-Mathias-Osterman-Boland-McAuliffe—Roskam).

Animal Cruelty Depictions. Creating, keeping, or selling a depiction of animal cruelty becomes a Class A misdemeanor for a first offense or a Class 4 felony for a repeat offense. Adult violators may, and juvenile violators must, be required to get psychological or psychiatric evaluation and treatment (H.B. 5625, Rutherford-

Holbrook-Reitz-Stephens-Black et al.—Bowles-Geo-Karis-Link-L.Walsh-Parker).

Assaulting Safety Personnel. Assaulting or battering a Department of Human Services (DHS) employee who is supervising sexually dangerous or violent persons becomes aggravated assault or battery. A sexually dangerous or violent person held by DHS who throws a bodily fluid at an institutional employee commits aggravated battery. Aggravated battery (normally a Class 3 felony) rises to Class 2 if the victim is a police officer on official duty; the battery is done to prevent an officer from performing duties; or it is in retaliation for such performance. A person convicted of resisting or obstructing a police officer or correctional employee (expanded to include those supervising sexually dangerous or violent persons) must serve at least 48 hours in jail or do at least 100 hours of community service. Resisting or obstructing a police officer, causing injury to the officer (now Class A misdemeanor), becomes a Class 4 felony (S.B. 2030, Petka—Lindner).

Assaulting or battering a person known to be employed by a police or sheriff's department who is performing authorized duties becomes aggravated assault or battery. An existing provision making assault on a publicly employed emergency medical employee an aggravated assault is expanded to all employees, whether or not publicly employed. Assault of any person described above is a Class A misdemeanor if no firearm is used, but a Class 4 felony with firearm use (H.B. 4179, Capparelli-Bugielski-J.Lyons-Burke-Dart et al.—L.Madigan-Hawkinson-Demuzio-Dudycz-Viverito).

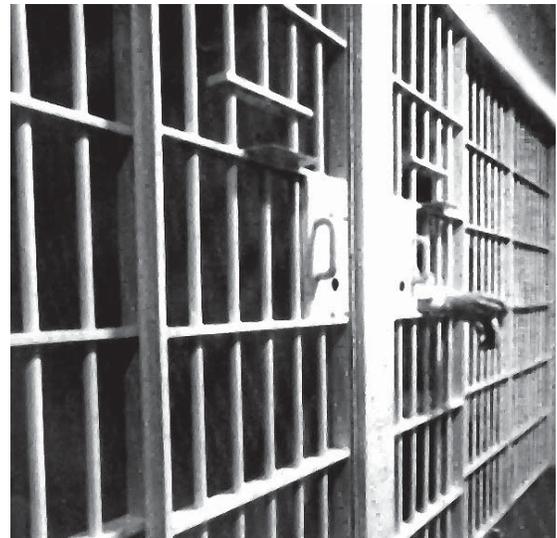
Child Abuse Reporting. Members of the clergy who know a child professionally must report suspected abuse

of the child. But they retain the privilege of confidentiality for information obtained as confessors or spiritual advisors. A repeated offense of willful failure to report child abuse by a required reporter becomes a Class 4 felony. Failure to report suspected child sex abuse can be prosecuted for 10 years after the child reaches age 18. Information on two or more child abuse reports can be kept in the central register for 5 years if they involve the same alleged offender (H.B. 5002, E.Lyons-Bellock-Kosel-Osterman-Simpson et al.—Cronin-Dillard-Roskam-O'Malley-Geo-Karis).

Civil Rights Conspiracies; Hate Crimes. A new crime of conspiracy against civil rights is created—a Class 4 felony for a first offense, or Class 2 for a repeat offense. Hate crime is raised from a Class 4 to a Class 3 felony if done in a religious or educational building, cemetery, park, or ethnic or religious community center, or on a street within 1,000 feet of such a place. Institutional vandalism (a Class 3 felony if damage is up to \$300) becomes a Class 2 felony for a repeat offense. A person convicted of a hate crime or institutional vandalism must make restitution or pay a fine up to \$1,000, and (if put on probation or conditional discharge) do at least 200 hours' community service if offered in the county (H.B. 136, Schoenberg-Garrett-Feigenholtz-May-Osterman et al.—Silverstein-Ronen-L.Madigan-Obama-Parker).

Communication Service Theft. Obtaining, helping someone else obtain, or possessing a device to obtain communication services without authority becomes a Class A misdemeanor for a first offense; a Class 4 felony for a

second offense (or if 10-50 devices are involved); or a Class 3 felony for an additional offense (or if over 50 devices are involved). Communication services include those using the Internet, telephone, microwave, radio (including cellular), cable, and fiber optic media. Victims can sue for injunctions and either actual damages (including illegal profits) or statutory damages. These provisions replace ones limited to theft of television signals (S.B. 1646, Roskam-E.Jones et al.—Brunsvold-Parke-Boland).



Drivers' Licenses. False identification. Using false licenses to buy tickets or attempt to board planes, trains, buses, or boats becomes a Class 4 felony—as does having a fake driver's license or permit while one's license or permit is suspended or revoked (H.B. 4472, Wright-Johnson-Cross-Mathias—Molaro).

Fraud. Driving with a license that expired more than 1 year (changed from 6 months) ago, or without ever having received a license, is raised from a petty offense to a Class B misdemeanor. Taking a driver's license exam for another person, or letting

(continued on p. 8)

Criminal Law

(continued from p. 7)

another take it for oneself, is raised from a Class C to a Class B misdemeanor (H.B. 3794, Osterman-Black-May-McGuire—Molaro-Halvorson-Hawkinson-Syversen-Silverstein). Under another bill, driving with a license that expired over 6 months ago, or without having received a license, becomes a Class B misdemeanor (S.B. 1726, Hawkinson-Parker-Syversen-Radogno-J.Myers et al.—Osmond-Garrett-Mathias-McGuire-Osterman).

Sanctions for liquor crimes. A driver's license can be suspended or revoked for (1) altering or defacing any card usable to show age at least 21; (2) carrying a card that is false or forged; (3) obtaining a card using false information; or (4) buying or consuming alcohol if under 21. Local liquor commissioners must notify the Secretary of State of convictions for such offenses (H.B. 5941, McAuliffe-Osmond-E.Lyons-Bellock—Sullivan-Radogno).

Vehicle forfeiture for illegal driving. If a person illegally drives with a license that has been revoked or suspended for DUI or refusing a breath test; leaving the scene of an accident with injury or death; or reckless homicide, the vehicle so driven can be forfeited—subject to an 'innocent spouse' defense (S.B. 1730, Parker et al.—Coulson-Zickus-Bellock-E.Lyons-Boland).

Drug Crimes. Heroin. The amount of heroin whose production, delivery, or possession with intent to deliver is a Class 1 felony drops from 10 grams to 1 gram. If the amount exceeds 5 grams, a mandatory minimum sentence of 4 years will apply (H.B. 4245, L.Jones-Giles-Acevedo-Miller-Collins et al.—Sullivan-Munoz-Hendon-Parker).

Juvenile drug courts. The chief judge of a judicial circuit can set up a juvenile drug court program with a graduated regimen of sanctions ranging from drug treatment, therapy, and testing to fines and up to 120 days of confinement. Youth will be admitted individually with their and the prosecutor's consent. Those with involvement in violent crimes, or denying a drug problem, are ineligible. Violators of program conditions can have juvenile proceedings reinstated against them. But those successfully completing the program may be spared further proceedings (S.B. 1638, Parker-Obama-Silverstein-Cullerton-Lightford—Lindner-B.F.Currie-McGuire-Mathias-Johnson).

Financial Exploitation of the elderly becomes a Class 1 felony if (1) the victim is over 70 and at least \$15,000 is taken, or (2) the victim is over 80 and at least \$5,000 is taken. Financial planners and investment professionals are added to those who can be prosecuted for this crime (H.B. 4321, Kosel-Mathias-Coulson-Pankau-E.Lyons et al.—Parker-Munoz-L.Madigan-Silverstein-Shaw).

Financial Fraud. Bank accounts. The prohibition on possessing a check without authority for purposes of fraud is broadened to apply to any attempt to get money from a financial institution or customer by false statements or representations, or by presenting documents to withdraw funds from an account without authority (S.B. 1713, Hendon-Trotter-Lightford—Garrett-Howard-Yarbrough-Young-Kenner).

Identity theft victims can sue perpetrators for actual damages, lost wages, attorneys' fees, and court costs (H.B. 5934, Klingler-Mulligan-Tenhouse-J.Curry-Flowers et al.—Demuzio-Silverstein). Identity theft can be

committed even if the thing of value was not taken in the name of the person whose identity was stolen (S.B. 2271, Petka—Klingler-Franks).

Scanning payment cards. Using a scanner to take information from a credit or debit card, or using a device to transfer the information to another card, with intent to defraud and without authority from its user becomes a Class 4 felony for a first or Class 3 felony for a repeat offense (S.B. 1577, Dillard-Obama-L.Madigan et al.—Meyer-Zickus-Mathias-J.Watson-May).

Fines—Delinquent. Unless a payment schedule is used, court clerks can add 5% to fines and costs unpaid after 30 days, 10% after 60 days, and 15% after 90 days—after which credit-reporting agencies can be notified (S.B. 2074, Viverito—B.F.Currie-McGuire).

Firearm Owner Cards; Minors' Handgun Possession. No Firearm Owner's Identification Card is required of a person who is eligible for the card and is shooting at a firing range or participating in a firearms course under direct supervision by a cardholder. Nonresidents of Illinois working as armed guards at nuclear facilities, who apply for "FOID" cards, must provide their home-state driver's license or identification card number. A person under 18 with a "FOID" card is not barred from using a handgun to participate in lawful recreation such as target shooting or hunting (S.B. 1936, Roskam—Bost-Forby-Simpson-Rutherford-J.Jones).

Juvenile Trials. A juvenile over 15, otherwise prosecutable as an adult for a drug crime at or near a school, school bus, or public housing, can instead be dealt with in juvenile court if the court so orders—unless charged with a Class X felony (H.B. 4129,

McKeon-B.F.Currie-Johnson-L.Jones-Brosnahan et al.—Petka-Ronen-Obama-Radogno).

Liquor to Underage Persons. Illegally delivering alcoholic liquor to a person under 21 will bring a minimum fine of \$500 for a first or \$2,000 for a repeat offense. If death results, it becomes a Class 4 felony (S.B. 1527, Demuzio—Hannig-Franks-Forby-M.Davis-Kenner).

Mailing Solicitations. Mailing a request that an Illinois recipient call a phone number so a sales pitch can be made, without disclosing that fact, becomes an unlawful business practice (S.B. 2160, Link-Geo-Karis-Woolard et al.—Garrett-Howard-Yarbrough-Mike Smith-Slone).

Mental Patient Warrant. A mental health facility director must tell a peace officer or prosecutor having a valid warrant charging a forcible felony whether the subject of the warrant is at the facility, and the date of the subject’s discharge (S.B. 2022, Bomke—Poe-Bellock-Righter).

Nuclear Plant Trespass. Entering or remaining in a nuclear facility or its grounds after getting notice that it is forbidden becomes “criminal trespass to a nuclear facility,” a new Class 4 felony (H.B. 5648, Osmond-Kosel-B.Mitchell-Beaubien et al.—Geo-Karis-Munoz).

Parole Supervision. The Governor is authorized to enter into the Interstate Compact for Adult Offender Supervision with other states. It allows probation and parole officers to cross state lines to track offenders and return them to the originating state. It also establishes uniform procedures to manage movement of adult offenders across state lines; to insure timely notice to victims; and to set up a uniform system of data collection. An

Interstate Commission will oversee implementation and operation of the Compact, and issue rules having legal force in compacting states. States can withdraw from the Compact by repealing this law. A State Council, appointed mostly by the Governor, legislative leaders, and the Supreme Court, will administer the Compact in Illinois (H.B. 4936, Ryan-Hoffman—Petka).

Police Animals. Injuring a police animal is increased from a Class A misdemeanor to a Class 4 felony—unless the animal is killed or totally disabled, in which case it is increased from a Class 4 to a Class 3 felony (H.B. 5639, Hoeft-Zickus-McAuliffe-Kosel—Molaro).

Prisons. *Charging prisoners.* The Department of Corrections will draft a form for prisoners to report their financial assets under oath. Prisoners convicted as adults can lose up to 180 days’ credit for good behavior, or hurt their eligibility for parole, if they refuse to cooperate. The Department can send completed forms to the Attorney General for use in collecting incarceration costs. The definition of “assets” for this purpose is expanded to encompass income from any source, including Social Security, workers’ compensation, veterans’ compensation, and pensions (S.B. 2195, Roskam—Winkel-Berns-Black).

DNA specimens. An adult felon, or juvenile found guilty or put on supervision for any felony (now, only for specified crimes) must provide specimens for DNA testing. Every person imprisoned after this bill is signed must provide such a specimen before release. Resulting DNA records may be used only for valid law enforcement identification purposes. The fee charged to a person required to give a specimen for DNA analysis is reduced

from \$500 to \$200, and may be paid over 2 years (S.B. 2024, Dillard-L.Madigan-Geo-Karis-Parker-Lauzen—Daniels-Cross-Bellock-E.Lyons-Zickus).

Sentence credit. Persons convicted of drug trafficking committed after this act takes effect can earn no more than 4½ days’ credit for good conduct each month (now one day per day in prison), and cannot earn meritorious service credit. They, and persons convicted of reckless homicide, cannot earn credit for participating in drug treatment, prison industries, or educational programs (H.B. 5652, Durkin—Roskam-B.Brady).

Sex Crimes. *Child pornography; domestic battery; stalking; permitting child sex abuse.* The definition of child pornography is expanded to include any act of sexual conduct or penetration (as broadly defined in the Criminal Code), not only sexual contact or intercourse. Domestic battery or violating an order of protection, normally Class A misdemeanors, become Class 4 felonies with a prior conviction of any of a long list of violent or sexual crimes. A person who has been convicted of stalking commits stalking again by following the same victim, putting that person under surveillance, or threatening harm to that person or a family member. The crime of permitting sexual abuse of a child is redefined by exempting persons who make timely efforts to report abuse, and by allowing an affirmative defense that the caretaker reasonably feared that trying to stop the abuse would result in great bodily harm. A person cannot be charged with this crime until the abuser is criminally charged (H.B. 4081, Osterman-O’Brien-Hamos-E.Lyons-Mendoza et al.—Parker-Molaro-L.Madigan-Obama).

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Criminal Law

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Child sex offenders may not live within 500 feet of their victims under age 21 (unless an offender owned a home within that distance before the signing of this bill). The definition of a sex offender is expanded to include persons adjudicated delinquent for sex crimes, or convicted of sex crimes by the military. The list of sex crimes requiring registration is expanded to include misdemeanor kidnapping or unlawful restraint; incest with a family member regardless of age; three or more convictions of public indecency; custodial sexual misconduct; and violation of the Wrongs to Children Act. Sex offenders must register with police where they work or go to school (in addition to where they live), and notice must be sent at release to the police where they will do those things. A college must get notice if a sex offender is attending it (H.B. 5874, Kosel—Radogno-Obama).

Limitations period. A crime involving sexual conduct or penetration may be prosecuted at any time if the victim reported it to police within 2 years; a DNA profile of the perpetrator was obtained and entered into a DNA database within 10 years after the crime; and the perpetrator's identity remained unknown despite a diligent police investigation (H.B. 5578, Brosnahan-Lindner-Wojcik-Black-Mendoza et al.—Karpziel-L.Madigan-Halvorson-Lauzen-O'Malley).

Sexual assault; bestiality. The penalty for aggravated criminal sexual assault by using a weapon other than a firearm must include a mandatory 10 years in addition to the regular term. Sexual conduct or contact with animals becomes a new Class 4 felony (or if it is committed in the presence of a minor or causes serious physical injury or death to the animal, a Class 3 felony). Offenders may be required

to forfeit their animals and to undergo psychological evaluation and counseling (H.B. 4926, S.Davis-Holbrook-Black et al.—O'Malley-Munoz-Geokaris).

State Appellate Prosecutor. A court can appoint the State's Attorneys Appellate Prosecutor as special prosecutor to serve at the pleasure of the Attorney General. A state's attorney can request aid from the Appellate Prosecutor in prosecuting any case (now only some drug, tax protest, and public labor union cases). The Appellate Prosecutor can represent state's attorneys before the Illinois Supreme Court if authorized by the Attorney General (H.B. 5681, Cross-Hoffman—Petka).



Terrorism. Numerous changes are made to fight terrorism. Charities that support terrorism can be stopped from soliciting and have their assets taken. An alien with a non-immigrant visa (such as for travel, work, or study), unless admitted to the U.S. for listed purposes, becomes ineligible for a Firearm Owner's Identification Card. Murder in connection with terrorist acts can be punished by death. Until 2005, an exception to the crime of eavesdropping is made for recording, with the state's attorney's approval, a conversation in which one party is a police officer or person acting at the officer's direction. Such recordings can be considered for introduction as

evidence. Money laundering is expanded to include a new Class X felony of conducting financial transactions to support terrorism or to conceal transactions in funds from terrorism. Kinds of instruments to which money laundering can apply are expanded to include checks, money orders, and securities.

A new Criminal Code article addresses terrorist acts, defined to include causing death or great bodily harm to at least one person; damaging or destroying communication systems, some computer networks, or facilities for transportation, energy production and distribution, or water or sewage treatment and distribution; destroying livestock, crops, hospitals, government buildings, defense contractor facilities, public utilities, or drug, chemical, agricultural, or food manufacturing facilities; or damaging office buildings with at least five businesses or apartment buildings with at least 10 residents.

The new article creates the following Class X felonies: soliciting or providing material support for terrorism; making terrorist threats (including hoaxes); hindering prosecution of terrorism; and committing terrorism. These crimes have no limitations period. Along with prison and fines, courts can order restitution and property forfeitures, and issue injunctions. Boarding an aircraft with a dangerous weapon is raised from a Class A misdemeanor to a Class 4 felony.

Until 2005, judges can issue search warrants in terrorism investigations based on testimony transmitted orally if it shows probable cause. A Criminal Code article on intercepting oral communications with judicial consent is expanded to apply to all private communications. Until 2005, that article may be used for interceptions that may provide evidence of terrorism. The jurisdiction of statewide

grand juries is expanded to include terrorism, with venue in any county connected with a terrorist act. Prisoners convicted of terrorism must provide blood samples for genetic marker grouping and cannot earn credit for good conduct. Physician-patient privilege will not bar a physician from filing a report on a suspected terrorist (H.B. 2058, Johnson-McAuliffe-Bost-J.Watson-Mulligan et al.—Roskam-Petka-Lauzen-T.Walsh).

Tobacco Products Tax Enforcement. Authorized Department of Revenue employees can make arrests for violations in their presence of the Tobacco Products Tax Act of 1995; search tobacco products at business places without warrants; and seize and begin forfeitures of tobacco products (and vending devices containing them) for violations. An owner of seized property can have a prompt administrative hearing before it is forfeited. Forfeited property will be sold, or given to a nonprofit institution (S.B. 2211, Peterson-Clayborne—Beaubien-J.Lyons).

Vehicle Crimes. Boat or snowmobile DUI. If operating a snowmobile or watercraft under the influence causes death, the crime rises from a Class 3 to a Class 2 felony, punishable by 3-14 years if prison is ordered. If operation proximately causes great bodily injury or permanent disability or disfigurement, the crime is punishable by 1-12 years if prison is ordered (S.B. 1752, Noland-Lightford—J.Curry-Franks-Osmond-May-Slone).

Leaving the scene. Consecutive, not concurrent sentences are to be imposed if a motorist leaves the scene of an accident involving death or personal injury and also commits (1) aggravated driving under the influence and/or (2) reckless homicide (H.B. 4473, Daniels-Meyer-Johnson-Cross—Dillard).

Speeding in construction zone. A motorist fined at least \$150 for speeding in a construction zone must pay an extra \$50 for off-duty state police officers to monitor construction zones (H.B. 3652, O'Brien-Black-Wait-J.Jones-Mathias et al.—Sullivan-Molaro-Parker).

Victims' Statements. The Prisoner Review Board must establish a toll-free number for victims of domestic battery or sexual assault to call and record statements for its consideration (H.B. 5004, Kurtz-E.Lyons-Berns-McAuliffe-Meyer—Klemm-Hawkinson).

Wiretap Officers. A retired police officer meeting experience and training requirements can serve as an elec-

tronic criminal surveillance officer (H.B. 4074, Acevedo—Munoz).

Women Offenders. A pilot program for female offenders can be set up by the Illinois Department of Corrections and operated by the Cook County sheriff. It will offer to nonviolent (mostly drug) offenders programs such as drug, mental health, trauma, and medical treatment; parenting and family training; and education and job training. Participants violating requirements may be sent to prison (H.B. 1961, Dart-M.Davis-Delgado-Soto-B.F.Currie et al.—Radogno-Ronen-Obama-Parker-Peterson). □

George F. Rishel
Staff Attorney

Education

Elementary & Secondary

The General Assembly voted to strengthen fire safety in schools; help districts whose tax revenues are hurt by the bankruptcy of a major taxpayer; require persons to pass the test of basic skills before entering teacher preparation programs; and cooperate with national sample testing of students in the 4th and 8th grades. As provided in a federal law, parents of students in low-performing schools will have opportunities to transfer them within the district, subject to restrictions.

Attendance Calculation. The existing practice for calculating average daily attendance in year-round schools is enacted into law: adding June attendance to May's, and July and August attendance to September's (S.B. 1524, Bomke—Black-Acevedo-Mike Smith-Berns-Parke).

Bus Drivers. Cell phones. School bus drivers may not use cell phones while

driving children, with exceptions for emergencies, mechanical problems, and use as "digital two-way radios" (S.B. 1795, Margaret Smith et al.—L.Jones-Scully-M.Davis).

Driver permits. A driver of a chartered bus transporting students for inter-scholastic or other school-sponsored activities must have a school bus

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Elementary & Secondary Education

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driver permit (S.B. 2164, Link et al.—Hoffman-Mathias-Garrett-McGuire).

Cell Phones at School. A prohibition on students' using cell phones in Chicago schools is replaced with authority for all school boards to adopt rules on their use (H.B. 3938, Flowers-Moffitt-Winkel-M.Davis-Murphy et al.—Shaw-Margaret Smith-Dudycz-Lightford-L.Madigan).

Conflict Resolution. Public schools may incorporate anti-bias and conflict-resolution activities into their curricula to improve relations among student groups. Districts that do so must inform the public (H.B. 1692, Mathias-McKeon-Lang-Moffitt-Coulson—Dillard-Silverstein-Parker).

Crisis Intervention. Schools may call in volunteer regional School Crisis Assistance Teams after a violent or other traumatic incident at school (H.B. 6038, Wright-Berns-McAuliffe-Hassert-Meyer—Cronin).

Energy Conservation. The time by which energy savings from a guaranteed energy-saving contract must equal or exceed its cost is doubled to 20 years. Area vocational centers (added to schools) can sign such contracts (H.B. 3774, Klingler-Hannig-Mike Smith-Hartke-Tenhouse—Sieben).

Finance. A financial oversight panel can ask the State Board of Education to approve a school finance authority to regulate the district's finances (a provision intended for the Round Lake district). If appointed, the authority will replace the panel. It can name a replacement when the superintendent's term expires; negotiate with unions; reorganize district

finances; sell bonds; and levy property taxes with no rate limit to pay them. The Authority will be abolished 10 years after creation or 1 year after all its obligations are paid, whichever is later—or at any time after 3 years' existence, on its recommendation, the State Board can abolish it if it has no outstanding debt.

With initial approval from the Chicago City Council, the Chicago school board can levy a capital improvement tax starting in tax year 2003 to compensate for the effect of inflation on (and in tax year 2031 to replace) some existing levies for capital projects that now bring in about \$142.5 million a year (H.B. 5734, B.F.Currie-Beaubien-Osmond-Giles—Peterson-Link-Geo-Karis-Obama).

Fire Safety. School boards can get only a 1-year extension (instead of repeated extensions) of time to bring buildings into compliance with statewide standards for fire safety. Local fire departments and fire protection districts can request and comment on plans for building or altering schools; those agencies and the State Fire Marshal can do fire safety checks of schools. A school must correct violations creating imminent danger immediately; others may be corrected within 1 year (S.B. 1545, Mahar—McCarthy-Crotty-Zickus-Kosel-Mathias).

Medical Information Forms. School districts are encouraged to let parents of special-needs students complete an emergency medical information form, and keep one copy at the student's school and one on the student's school bus (H.B. 5939, May-Garrett-Mendoza-Crotty-Pankau et al.—Link-Trotter-Parker-Silverstein).

Medicating Students. School boards must not allow disciplinary action against a student due to parental refusal to consent to giving drugs such as Ritalin®. At least every 2 years, in-service training must address how to deal with attention deficit and hyperactivity (H.B. 3744, Flowers-M.Davis-Franks-Dart—Roskam).



Pledge of Allegiance. Students in public high schools (added to elementary schools) are to recite the Pledge of Allegiance (S.B. 1634, Philip-Dudycz-Klemm et al.—McAuliffe-Franks-Acevedo-Bellock).

Prayer. School students can voluntarily engage in individually initiated prayer if it does not disrupt others and is not endorsed by the school or staff (H.B. 4117, Wright-Winkel-Johnson-Moffitt-Murphy et al.—Burzynski-O'Malley).

Regional Superintendent Audits. The Auditor General (now the State Board of Education) will annually audit all regional superintendents' financial records (S.B. 1534, Demuzio-Shadid—May-Biggins-Schoenberg-Hannig-Mathias).

State Aid. If at least 6% of a district's total assessed value belongs to a bankrupt entity, causing nonpayment of property tax, the district can amend its state aid claim back to the beginning of the bankruptcy (up to 6 years back). A district's state aid will not be reduced for not providing the minimum required school days due to a closing after September 11, 2001 caused by terrorist threats that were investigated by police. A school that closes due to a condition posing a threat to students' health and safety can have 4 days to find alternative housing before a reduction in its state aid (H.B. 3673, Black-Holbrook-S.Davis-Hoffman-Stephens et al.—J.Myers-Clayborne-Bowles-Shaw).

Teachers. Certification. A person with an administrative certificate, in a position requiring administrative certification, must develop a plan under standards in the new act to be able to renew the certificate. A teacher with a Master Certificate will receive a \$3,000 incentive annually (now only once). Standards are listed for getting a standard teaching certificate, as are activities qualifying as continuing

professional development (H.B. 1436, Daniels-Cowlshaw-Schoenberg-J.Watson-Coulson—Cronin).

Special education. The State Teacher Certification Board must certify a special education teacher to teach any among seven listed categories of disability for which the teacher applies and qualifies (S.B. 1777, Burzynski et al.—G.Mitchell-J.Watson-Hassert-Hannig-Giles; H.B. 4466, Pankau-G.Mitchell-Hannig-Giles-J.Watson et al.—Burzynski-Parker-Bomke-Lightford-Viverito).

Testing. Starting this fall, a person must pass the basic skills test before entering a teacher preparation program. Starting in 2004-2005, a person must pass a subject matter test in the relevant field before beginning student teaching (S.B. 1953, Cronin-L.Madigan et al.—Garrett-M.Davis-McGuire-Franks-Scully).

Testing; Transfers; State Aid. Starting this fall, schools in a sample drawn by the National Center for Education Statistics must give biennial 4th and 8th grade reading and

math tests if the U.S. Department of Education pays for them. School district report cards must be posted on a district's Web site if it has one, or sent to all parents if it does not. Each district must have an intra-district transfer policy. Parents may request a transfer from a low-performing school as provided in a federal law within 30 days after getting notice of that right. Such transfers may not ordinarily be made to crowded schools, to those with admission standards that the student does not meet, or if transfer would impede court-ordered desegregation. Parents of children in bilingual education must be notified of such enrollment, reasons for it, and their rights as to such enrollment. Supplemental general state aid for 2002-2003 is increased from \$1,190 to \$1,330 for a district with 20%-34% low-income students, and from \$1,333 to \$1,362 for districts with 35%-49% low-income students (S.B. 1983, Cronin-Obama-Burzynski-F.Watson-L.Madigan et al.—Delgado-Scully-Cowlshaw-G.Mitchell-Giles).

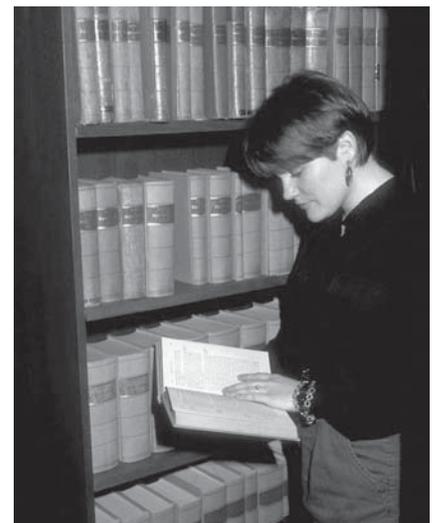
Higher Education

Bills passed by both houses will make it easier to get Monetary Assistance Program and minority teacher scholarships; ignore College Savings Pool contributions in awarding college scholarships; and expand the Illinois Century Network.

College Savings Pool contributions will not affect eligibility for state-awarded college scholarships. Starting with the 2002 tax year, a taxpayer must pay Illinois income tax on distributions from any section 529 college savings plan other than Illinois' College Savings Pool or Prepaid Tuition Trust Fund (H.B. 4187, Burke-Mulligan-Schoenberg-Giles—F.Watson).

Illinois Century Network. The Illinois Century Network is expanded into a service that will create and maintain high-speed telecommunications networks. It will have its own policy committee to control staffing and contracts, replacing the State Board of Education, Illinois Community College Board, Board of Higher Education, and other agencies now

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Higher Education

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doing that. An Illinois Century Network Special Purposes Fund is created for its operations (H.B. 5911, Howard-Rutherford-Jefferson-M.Davis-Yarbrough—Dillard).

Scholarships. *MAP.* The requirement to take at least 6 hours of classes weekly to qualify for a Monetary Award Program scholarship is eliminated (H.B. 4351, Erwin-M.Davis-Mendoza-McGuire-Garrett—F.Watson-Munoz-Lightford-Demuzio).

Minority teachers. Starting next January, minority applicants need be enrolled only half-time (now full-time); can be enrolled in alternative teacher certification (now only regular certification); and can apply for the scholarships to begin with their freshman (now sophomore) years—although preference can go to juniors and seniors. If there are too few qualified male applicants, the limit of 70% of the scholarships to female applicants can be exceeded. Each recipient must begin teaching 1 year (now 5) after graduation. Similar changes are made in the David A. DeBolt program, which is renamed as the ITEACH Teacher Shortage Scholarship Program (H.B. 4912, Wirsing et al.—Cronin-Shaw-Lightford).

National Guard Grant repayment. A National Guard Grant recipient who fails to complete the required military service obligation must repay a prorated part of the grant (S.B. 2204, Dudycz et al.—Stephens-Berns-Wirsing-Winkel-Righter). □

Lillian Kinnel
Senior Research Associate

Environment & Conservation

The General Assembly voted to authorize loans to help local governments promote efficient use of electricity, and to promote the availability of alternative automotive fuels in populous areas. Other bills authorize fire protection districts to require prior notice of open burning; modernize emissions testing of vehicles; and increase maximum payments to clean up underground petroleum tanks.

Automobiles. *Alternative fuels.* The Illinois EPA's rebate program for vehicles using non-traditional fuels is extended through 2004—or beyond if funds last. The ethanol research program of the Department of Commerce and Community Affairs (DCCA) is extended through 2004. DCCA will offer grants of up to 80% of the cost to build fueling stations for such fuels in the multicounty Chicago area and other localities of over 100,000 people. DCCA and other agencies will start an education and media campaign on benefits of such fuels. Provisions are made to continue funding of these programs through 2004 (H.B. 2, Novak-Lawfer-Feigenholtz-Parke-S.Davis et al.—Mahar-L.Walsh-Sullivan-Donahue-Trotter).

Emissions testing. Starting July 1, vehicles of model year 1996 or later with on-board diagnostic equipment will be tested using that equipment if possible, in areas of the state where testing is required. The original vehicle emissions testing law, enacted in 1984, is repealed (H.B. 5255, Mathias-Osmond-Beaubien-Ryan-Franks—Parker-Geo-Karis).

Brownfields Restoration. The Brownfields Site Restoration Program, created at the start of this year, is replaced with a similar program.



The existing program's special fund is abolished and its contents moved to the Brownfields Redevelopment Fund, which may be used for the new program. Total payments to applicants for fiscal year 2002 may not exceed \$1 million (S.B. 1803, F.Watson — Hoffman-Holbrook-Jefferson-M.Davis-Howard).

Burning Regulation. A fire protection district may require prior notice of any open burning, except in Cook County. The district may extinguish dangerous open fires. It may accept voluntary notices by persons setting open burns on agricultural land of at least 50 acres (H.B. 1081, Slone-Boland-Mike Smith et al.—Karpfel).

Energy Efficiency. *Grants.* Energy Efficiency Trust Fund grants will go to projects to promote residential energy efficiency, rather than directly to consumers. Projects using market

incentives to encourage efficiency are added to the list of eligible categories (S.B. 1645, Rauschenberger-Ronen-Sullivan et al.—Novak-B.F.Currie-Mike Smith-Boland-Yarbrough).

Loans. The Illinois Development Finance Authority can sell bonds and accept other funds, and offer loans at up to 2% interest to local governments and nonprofit organizations that aggregate electricity customers, to help them buy energy-efficiency products and methods that will pay for themselves within 7 years (S.B. 1565, Rauschenberger-Ronen-Sullivan et al.—Novak-B.F.Currie-Hultgren-Hamos).

Environmental Protection Act is reorganized and obsolete provisions are

deleted, as recommended by a commission created under a 1999 executive order. Some kinds of permits are exempted from normal permit time limits of 90 and 180 days. The 120-day time limit for response by the Pollution Control Board to a petition for review of denial of a Clean Air Act Permit Program permit may be stayed up to 30 days if the Board lacks enough members to provide a quorum (H.B. 5557, Marquardt—Dillard).

Off-Road Courses (such as facilities for racing, truck pulls, and tractor pulls) are immunized from civil and criminal suits for noise emissions due to “normal” use of those courses. Courses opened after January 1, 2001 must meet one of three criteria to

qualify for this immunity (S.B. 2155, Burzynski-L.Walsh et al.—Bost).

Underground Tanks. Owners or operators of leaking underground petroleum storage tanks must conduct site investigation and corrective action (changed from physical soil classification, groundwater investigation, and site classification). The maximum annual payment from the Underground Storage Tank Fund to an owner or operator for corrective action or indemnification is raised to \$2 million (up to 100 tanks) or \$3 million (101+ tanks) (H.B. 4471, Hassert-Parke-Berns—Jacobs-Donahue). □

Bradley Bonnette
Science Research Assistant

Health & Safety

The General Assembly voted to expand screening of newborns for metabolic disorders; require public notification if volatile organic compounds are found in groundwater; create a medical center district around Springfield’s two nonprofit hospitals; and require licensing of freestanding facilities for treating end-stage kidney disease. Other bills that passed both houses will promote research on neuroblastoma and treatment of multiple sclerosis, and allow state employees time off for blood or organ donation.

Disabled Persons’ Evacuation. By January 2004, each building at least 80 feet high must have an evacuation plan for occupants who have notified the owner of their need for evacuation assistance. Plans must include procedures to evacuate them and recommendations for building employees, tenants, and guests to aid them. A list of those persons and their locations must be kept. A copy of the plan must be readily accessible to police and fire personnel. Annual practice drills must be held. Chicago is exempt if it has an ordinance on emergency

procedures in tall buildings when the bill is signed (S.B. 1537, T.Walsh-Geo-Karis-Bomke-Parker-L.Madigan et al.—Crotty-M.Davis-Forby-Acevedo-Fritchey).

Egg Safety. Producers may no longer sell uncandled or ungraded eggs off their premises. Eggs 30 days past candling may not be offered for sale to consumers. Egg containers must show their candling dates, and *may* show their expiration dates (H.B. 4890, Lawfer-Poe-Black—Sieben).

Groundwater Contamination. The Illinois EPA must notify both the Department of Natural Resources and any affected local government if it identifies a volatile organic compound exceeding groundwater quality or safe drinking water standards during routine groundwater monitoring and assessment. DNR by itself, or with the county health department, must notify the public. Local governments can inform homeowners who could be affected (S.B. 2072, Dillard-Rauschenberger-W.Jones-Parker-Lauzen et al.—Bellock-Meyer-Franks-E.Lyons-Cowlshaw).

Health Benefits Warning. Health insurers and HMOs that give incentives to use contracting providers must include in their contracts a warning that lower benefits will be paid if a patient uses a nonparticipating provider (H.B. 5842, D.Brady-Mautino—Sieben).

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Health & Safety

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Health Insurance Mandate. Group accident and health insurers, HMOs, and voluntary health services plans must pay for non-dental care (such as anesthesia) given along with dental care in a hospital to a patient who is under 7, is disabled, or has a condition requiring hospitalization or general anesthesia for dental care. This does not apply to policies covering only dental care (H.B. 1889, Miller-Klingler-Soto-Capparelli-Saviano et al.—T.Walsh).



Kidney Disease Treatment. Places offering treatment or training for patients with end-stage renal disease (except hospitals, doctors' offices, and home health agencies) must be licensed by the Illinois Department of Public Health (IDPH). IDPH can make unannounced inspections to ensure compliance with licensing standards. Its Director will appoint an advisory committee to help in regulating these facilities. A fund is created in the State Treasury for licensing fees and penalties (H.B. 5906, Simpson et al.—Geo-Karis-Parker-Lightford-Halvorson-Trotter).

Medical District at Springfield. A medical center district is created in Springfield's near north side. It will be governed by a commission appointed by the Governor and mayor (including two persons from each Springfield nonprofit hospital and two

physicians) and by the board of any public medical school(s) in its area. The commission will write a master plan to develop and manage all district property, but it cannot take effect until approved by the city council and an advisory council created under this new act. The Commission can receive grants, loans, and appropriations; sell revenue bonds for district operations; and acquire property in its area by gift, purchase, or conventional eminent domain. It can also build hospitals and other medical facilities (S.B. 2117, Bomke—Klingler-Kenner).

Multiple Sclerosis Checkoff. An income tax checkoff is created to make grants to Illinois programs to help persons with multiple sclerosis (H.B. 4230, Morrow-Franks-Lawfer-McGuire-J.Lyons—Radogno-Demuzio).

Newborn Screening. Beginning July 1, 2002, IDPH must expand its newborn screening to include tests for several additional disorders detectable by a tandem mass spectrometer (including biotinidase deficiency, sickling disorders, and other metabolic disorders). This will be done by the State Laboratory, or temporarily by a private lab if necessary (H.B. 5870, Righter-Howard-Flowers-Osmond-Feigenholtz et al.—Parker-J.Myers-Trotter-Obama-Hendon).

Organ Donors' Paid Leave. State employees can get paid leave for organ, bone marrow, or blood donations with employer approval. The Department of Central Management Services will issue rules for this (H.B. 5807, Crotty-Klingler-Mendoza-Bradley-Miller—Halvorson-Obama).

Physical Exams for School Students (except dental exams and vision and hearing screening) can be done by advanced-practice nurses or physician assistants supervised by physicians. Those practitioners can also do school

bus driver health exams (S.B. 929, Donahue-Ronen-J.Myers et al.—Crotty-Saviano-Tenhouse-McCarthy).

Piercing of Minors. Any piercing of the "oral cavity" of a person under 18 requires prior written consent from a parent or legal guardian, on a form that notifies the signer of medical risks (S.B. 1658, Bomke et al.—Miller-Kosel-Bellock-Zickus).

Pneumonia Vaccination in Assisted Living. Prospective residents of assisted-living or shared-housing facilities must be advised to ask a doctor about pneumococcal pneumonia vaccination (S.B. 1794, Margaret Smith-Lightford-Shadid-Trotter-Obama et al.—J.Lyons-Feigenholtz).

Postpartum Depression Brochure. The Department of Human Services must develop and distribute a brochure or other publication on postpartum depression to doctors, midwives, and other caregivers for pregnant women (S.B. 1782, Obama-Hendon-Trotter-Halvorson-Viverito et al.—B.F.Currie-Bellock-Black-Garrett-Flowers).

Stroke Task Force. IDPH will create a Stroke Task Force to advise on priorities for stroke prevention and treatment, and on making grants to emergency medical providers and hospitals to improve patient care. The task force will report annually to the Governor and General Assembly (S.B. 2050, Donahue-Maitland-Weaver-Radogno-Lightford et al.—B.F.Currie-Rutherford-D.Brady-Holbrook-Winters).

Water-Supply Loans. IDPH can make interest-free loans up to \$30,000 for owners of contaminated wells to obtain other water sources (H.B. 5961, Meyer-Bellock-Durkin-Hultgren—Dillard). □

Robert L. Bayless
Senior Staff Scientist

Local Government

The General Assembly voted to allow more indemnification of local personnel in suits over official actions; strengthen background checks and training of new police officers; require counties except Cook to have written protocols for investigating deaths; allow the Department of Commerce and Community Affairs to help local governments with planning and ordinance drafting; and authorize municipalities of 20,000 to 500,000 to reduce their numbers of aldermen before the next election.

Aldermen—Number. Municipalities in the following population ranges by ordinance can change how many aldermen they have as follows, at least 180 days before the first local election after release of the 2000 Census results:

- 20,001 to 50,000: 10 (now 14)
- 40,001 to 50,000: 16 (new class)
- 50,001 to 70,000: 14 (now 16)
- 70,001 to 90,000: 16 (now 18)
- 90,001 to 500,000: 18 (now 20)

(H.B. 4397, Wait—Clayborne-Bowles).

In addition to those changes, a municipality of 15,001 to 20,000 can elect 8 aldermen. If a municipality of under 100,000 has reduced its number of aldermen, as allowed under current law, it can hold a referendum to revert to the former number. If a municipality adopts a different form of municipal government, its current form is deemed abandoned (S.B. 1635, Syverson-Burzynski-Sieben—Wait-Lawfer-Hassert-Righter).

Capital Funds. A township board can levy a tax for a dedicated fund to finance a specific capital construction project, maintenance project, or major purchase if it states the fund's amount, purpose, and duration in its annual budget and appropriation ordinance. A road district board can do the same thing, without referendum

(H.B. 4335, Reitz-Fowler-Forby-O'Brien—Dillard-L.Walsh).

Club Licensing. Municipalities and counties can license or regulate a business, not licensed under the Liquor Control Act of 1934, that offers entertainment, refreshment, or recreation to the public and allows alcohol drinking (such as strip clubs) (H.B. 4188, B.Mitchell—Noland).

Death Investigations. Each county without home rule must establish a written protocol for investigating homicides and questionable deaths (H.B. 5654, Brady-Saviano-Hartke-Schmitz-O'Brien—Radogno).

Forest Preserve Boards; Liquor at Golf Courses. A vacancy on an elected Downstate forest preserve district board can be filled by appointment by its president. If there is a vacancy in the president's position, the board will appoint a current member to fill it. Procedures are established for filling vacancies on DuPage County's Forest Preserve District board. A park district may allow liquor sales at its golf courses (S.B. 1282, Roskam—O'Brien-McCarthy).

General Assistance Rates. A township board can reduce its tax rate for

general assistance. If it does so, it can later revert to the old rate (H.B. 5785, McCarthy-Moffitt-J.Jones-Hartke-Garrett—Radogno-Klemm).

Horse-Drawn Vehicles. A township board can license and regulate horse-drawn vehicles and their drivers. Any annual license fee (of up to \$50 per vehicle) must be used to improve township roads (H.B. 3363, J.Curry—Noland).

Indemnifying Personnel. A sheriff, deputy, or non-Chicago police officer who causes injury while performing duties may be indemnified up to \$1 million (now \$500,000) for a resulting judgment. A local government can pay any employee's legal fees in a suit arising out of performance of duties (H.B. 4354, Winkel—Jacobs-Donahue).



Park District Fines. The limit on park district fines for ordinance violations is raised from \$500 to \$1,000 (S.B. 1735, Syverson-Burzynski—Winters).

Planning. The Department of Commerce and Community Affairs (DCCA) can make grants to local governments to develop comprehensive plans. DCCA can also draft model ordinances and technical publications for local governments (H.B. 4023, Slone-Lindner-Miller-Winters-May et al.—Rauschenberger-Peterson).

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Local Government

(continued from p. 17)

Police Hiring. Each probationary part-time officer must start an approved police training course within 6 months, and finish it within 18 months, after appointment. All applicants to become peace officers must authorize criminal background checks; none may be employed without a clean result (H.B. 148, Berns-Black-Mike Smith-Johnson-Delgado et al.—J.Myers-Klemm).

Salaries. In counties except Cook, sheriffs' salaries cannot fall below their level on January 1, 2002 or the effective date of this act, whichever is higher. The salary schedule for county supervisors of safety is

abolished, allowing county boards to set salaries (S.B. 2016, F.Watson—Fowler-Forby-Moffitt).

Township Roads. If a township road district is abolished because it does not have at least 4 miles of roads, the township trustees will assume its taxing authority. The township road commissioner must get approval from the county highway engineer before starting any tax-funded project costing over \$10,000 (now \$5,000). A road district may spend up to 50% (now 20%) of its motor fuel tax revenue for eligible nondedicated subdivision roads (H.B. 4365, O'Brien-Reitz—Parker). □

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Massage Therapists. Starting in 2004, persons doing massage for compensation must be licensed by the Department of Professional Regulation. Requirements include completing a certified program with at least 500 hours of instruction, and passing an exam. Lesser requirements will apply during the first year to existing massage therapists. Practitioners of several existing types of “bodywork” are exempted. Home-rule regulation of massage therapists is pre-empted (H.B. 2271, Coulson-Saviano-Rutherford-Erwin-Bugielski et al.—DeLeo).

Nurses. Applicants for nurse licenses must have graduated from programs approved by the Department of Professional Regulation (not only from programs of stated lengths). Their criminal records must be checked by both the Department of State Police and the FBI. A graduate of an advanced practice nursing program whose license is pending can practice up to 6 months in a “license pending” specialized nursing classification (S.B. 2223, Burzynski-Silverstein-Link-L.Walsh et al.—Kosel-Coulson-Zickus-Wojcik).

Private Detectives, etc. Applicants for registration cards as detective, alarm contractor, etc. agency employees must submit fingerprints electronically, to be checked against the FBI as well as Department of State Police databases. Off-duty police need not have permanent employee registration cards or firearm owners' cards to work for such agencies. A person who applies for a Private Alarm Contractor's license between September 2 and 5, 2002 and meets specific requirements is exempt from the experience and exam requirements (H.B. 4879, Granberg-B.F.Currie-Fritchey—Burzynski). □

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Professions & Occupations

Bills that passed both houses provide for licensing of electrologists and massage therapists starting in 2004; increase criminal checks of employees of private detective or alarm agencies; and impose some requirements on Internet auction companies that have contacts with Illinois.

Auctions by Internet. Internet auction listing services that are located in, or deal with persons in, Illinois must register with the Office of Banks and Real Estate and meet several requirements intended to protect customers, including keeping records and dropping customers who show patterns of fraud (H.B. 5803, Meyer-Fritchey-Hassert—Dillard).

Counselors. A civil penalty up to \$5,000 is authorized for unlicensed practicing as a clinical professional counselor. The licensing board can order mental and/or physical exams of licensees and applicants to investigate possible violations. The act is

extended until 2013 (H.B. 3993, Hassert-Coulson-Rutherford et al.—T.Walsh-Parker-E.Jones-Radogno).

Electrologists. Starting in 2004, persons engaging in electrology must be licensed by the Department of Professional Regulation. Requirements include completing a certified program with at least 600 hours of study, and passing an exam. Lesser requirements will apply during the first year to existing electrologists. Home-rule regulation of electrologists is pre-empted (H.B. 4255, Wojcik-Burke-Saviano-Klingler-L.Jones et al.—Parker-Geo-Karis-Noland).

Revenue

The General Assembly voted to increase taxes on riverboats and cigarettes; 'de-couple' the state from a temporary federal incentive for some capital expenditures, but allow Illinois income tax payers to use the incentive over several years; provide for tax-delinquent mobile homes to be sold and redeemed similarly to real estate; and improve procedures for assignees of certificates of tax sale of real property to be notified of hearings on it.

Income Taxes

Federal Deduction Adjustment. The recently authorized “bonus depreciation” deduction from a taxpayer’s federal income tax base (30% of the cost of some kinds of property bought between September 11, 2001 and September 10, 2004) must be added back to a taxpayer’s income for Illinois tax purposes. But the “bonus depreciation” deduction can be effectively taken for that property over a period of years in Illinois (S.B. 1543, Peterson-Clayborne-Woolard-Obama et al.—Hartke-Mautino-J.Lyons-B.F.Currie-Schoenberg).

Property Taxes

Cemeteries. The exemption of cemetery property from taxation is broadened somewhat to include property used to operate a cemetery (S.B. 1932, Peterson-Clayborne et al.—J.Lyons-Beaubien-E.Lyons-Capparelli).

Sale Registry; Exemption Applications. Each county clerk must create a registry of owners and assignees of certificates of purchase from tax sales. Any assignee of such a certificate must register with the county clerk to receive notice of hearings affecting the parcel. County clerks can charge up to \$10 for such registration. If a tax sale was in error because (a) the

parcel is tax exempt, (b) its taxes were paid before sale, (c) it is included in a bankruptcy, or (d) it is publicly owned, the county collector must notify any registered owner of the certificate of purchase. The certificate owner will get refunds of costs and interest. The senior citizens’, senior citizens’ assessment freeze, and general homestead exemptions are removed from a list of exemptions applying automatically to eligible homeowners, thus apparently requiring reapplication for them in some cases (S.B. 1666, Cullerton—Biggins-Yarbrough-Osterman).

Senior Citizens’ Tax Deferral. The income limit for senior citizens seeking to defer property taxes on a principal residence is raised from \$25,000 to \$40,000 (S.B. 1606, Dillard-Parker-Peterson-Radogno-J.Myers et al.—Bellock-Meyer-Franks-B.F.Currie-Holbrook).

Sales Taxes

Municipal. A non-home-rule municipality can impose a sales tax of 1/4% or 1/2% by referendum to finance property tax relief (under current law the rate must be 1/2%, and proceeds may go only to public infrastructure

projects). If the ordinance is filed with the Department of Revenue by April 1, the Department will start collecting the tax July 1 (as an alternative to the current provision for October 1 receipt and January 1 enforcement) (S.B. 2037, Bowles—Hoffman-R.Myers-Mathias).

Other Taxes

Cigarettes; Real Estate Transfer.

The cigarette tax is raised from 2.9¢ each (58¢ per pack) to 4.9¢ each (98¢ per pack). Beginning April 1, 2003, \$60 million per year from this increase will go to the School Infrastructure Fund, and the rest to the General Revenue Fund. Allocations of real estate transfer tax revenue to the Open Space Lands Acquisition and Development Fund are reduced from 35% to 20%, and to the Natural Areas Acquisition Fund from 15% to 5%; the resulting 25% goes to the General Revenue Fund (H.B. 539, M.Madigan-B.F.Currie-Feigenholtz-Hamos—Rauschenberger).



Enterprise Zone Utility Taxes. The Department of Commerce and Community Affairs (DCCA) can grant exemptions from public utility taxes lasting up to 30 (formerly 20) years to businesses in enterprise zones or federal Foreign Trade Zones or Sub-Zones (S.B. 1542, Sieben et al.—G.Mitchell-Boland-Mautino).

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Revenue *(continued from p. 19)*

Mobile Homes. A new Mobile Home Local Services Tax Enforcement Act establishes procedures on tax sales, redemptions, and tax certificates of title to enforce the Mobile Home Local Services Tax, resembling procedures for real estate (H.B. 1975, Novak-Moffitt-S.Davis—Radogno-Parker).

Riverboats. The admissions tax is raised from \$2 to \$3 per person on July 1, 2002; the extra \$1 goes to the state. Also that day, privilege tax rates on riverboats' adjusted gross receipts become as follows (amounts in millions):

Over	Not exceeding	Tax rate
\$ 0	\$ 25	15.0%
25	50	22.5
50	75	27.5
75	100	32.5
100	150	37.5
150	200	45.0
200	—	50.0

(H.B. 2381, B.F.Currie—T.Walsh).

Telecommunications. Telecommunications sellers (except providers of commercial mobile radio services) can request information from municipalities on the areas where local telecommunications taxes apply. Procedures are provided for regularly updating the information and challenging tax bills (H.B. 6012, J.Curry-Johnson-B.Mitchell—Donahue-Noland-B.Brady).

Miscellaneous Changes

An employer must report amendments to its federal tax return that affect withholding requirements under the Illinois income tax. Starting this October, a taxpayer with annual tax liability over \$200,000 must make all income tax payments electronically.

Social Services

Bills that passed both houses call for a committee to make recommendations on improving prescription drug assistance to senior citizens; authorize the Illinois Department of Public Health to make grants for innovative projects to improve care in nursing homes; and restrict agencies' ability to reduce rates to nursing homes or require prior approval for medicaid reimbursement for an anti-HIV drug.

Children. Adoption. If a child needs adoption placement, the Department of Children and Family Services must try to find any persons who have adopted any sibling of the child, and inform them that the child needs adoption. Adoptive parents must still be selected based on the child's best interests (H.B. 4208, Feigenholtz—L.Madigan-Obama-Lightford).

Advocacy centers. Any county can establish a Children's Advocacy Center to coordinate activities of agencies handling child sexual abuse complaints without referendum if it will be funded by nontax sources (S.B. 2118, Bomke—Cross-Soto).

Immigrants' medicaid payments. The Department of Public Aid (DPA) must report to the Governor and General Assembly by January 2003 on how many noncitizen children under 19 got medicaid coverage, for emergency services only, in FYs 1999, 2000, and 2001; total payments for them; and

related data (H.B. 6001, Mendoza-Acevedo-Feigenholtz-Flowers-Winters et al.—Rauschenberger-Syverson-Cullerton-Parker-Munoz).

Support payments. DPA may direct child support payments to another state's state disbursement unit on request by that state. A National Medical Support Notice must be issued to require health insurance coverage of a child whose support order is being enforced by DPA. The employer must withhold enough pay for premiums and send it to the insurer, and notify DPA if the employee no longer works there (S.B. 2224, Syverson—G.Mitchell-Garrett-May).

Community Services Provider Accreditation. Unless otherwise required by law, the Department of Human Services must accept accreditation from some named accrediting organizations, in lieu of doing administrative and program monitoring of its
(continued on next page)

A taxpayer may irrevocably elect to treat all income received in a tax year after 2002 (except compensation) as business income. Chicago cannot collect its municipal use tax from retailers, but only from buyers. Any property owned by Chicago and used for a toll road or toll bridge is exempted

from property taxes even if leased to a non-exempt entity (S.B. 2212, Peterson-Clayborne—Beaubien-B.F.Currie-Schoenberg-Parke-Bassi). □

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mental health or drug-abuse services contractors (H.B. 5844, Ryan-G.Mitchell—Syverson-Munoz-Margaret Smith-Hendon).

Medicaid Drugs; Child-Care Providers. DPA cannot require prior approval of a drug for AIDS or serious mental illness until 30 days after studying the impact of such a requirement on patient care and reporting to the House Speaker and Senate President. Providers of child care, paid by DPA but not required to be licensed, must agree to periodic investigations (now “an investigation”) in the Central Register for any reports of abuse or neglect against them (S.B. 2201, Parker-Silverstein-Link-Obama-Lightford et al.—Mulligan-B.F.Currie-M.Davis-Feigenholtz-Coulson).

Nursing Homes. *Quality grants.* The Director of Public Health will award

competitive grants to nursing homes for innovative projects seeking to improve care or increase efficiency (S.B. 2001, Syverson-Parker-Obama-Munoz-Margaret Smith et al.—Tenhouse-Garrett-M.Davis-McGuire-Black).

Rates. DPA may not initiate or reinstate inspection of nursing homes’ care to medicaid clients to calculate daily reimbursement rates until July 1, 2003; but it can do an interim inspection of homes meeting November 15, 2001 Department rules (S.B. 151, F.Watson et al.—Holbrook-Black-Righer-Wirsing-Michael Smith). DPA by July 1, 2003 is to develop a new system for calculating medicaid reimbursements for nursing homes (subject to appropriation). It will be phased in for those that qualify for a lower reimbursement under it (H.B. 5567, Rutherford-Coulson-E.Lyons-Winkel-Berns et al.—F.Watson-

Hendon-Munoz-Obama-Margaret Smith).

Pharmaceutical Assistance. A Senior Pharmaceutical Assistance Review Committee of 8 legislators, 5 agency directors or their designees, and 4 persons from affected organizations will hold hearings and make recommendations on improving state drug assistance to senior citizens. The Department on Aging will create a program of outreach and education to seniors on prescription drug programs. The Comprehensive Health Insurance Plan board will study the need for, and cost of, a catastrophic pharmaceutical assistance program, and recommend ways to create it (S.B. 2098, Donahue-Syverson-Roskam-Klemm-Geo-Karis et al.—Daniels-Coulson-J.Jones-Berns-Mulligan). □

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State Government & Pensions

The General Assembly voted to allow early retirement by some state and Cook County employees, and to improve pensions or survivors’ annuities in other Chicago-area public pension systems. State employees are prohibited from soliciting or accepting campaign gifts from entities they regulate. The State Treasurer can invest in some foreign debt, and put a limited amount of state funds into venture capital. A bill to ban privatization of prison food service was successfully vetoed.

Boards Abolished. The following boards are abolished: Budget Advisory Panel; Biotechnology Advisory Council; local Economic Emergency Councils; Military Base Reuse Advisory Board; State Parks Revenue Bond Commission; State Parks Revenue Bond Commission and Fund; Natural Heritage Fund Advisory Committee; Lake County Metropolitan Ex-

position and Auditorium Authority; Toll Highway Advisory Committee; and Truth-in-Sentencing Commission (H.B. 1640, Rutherford—T.Walsh).

Election Registration Deadline. Prospective voters may register until 27 (now 28) days before an election (H.B. 5647, E.Lyons-McCarthy—Dillard-L.Walsh).

Ethics. The State Gift Ban Act exemption for gifts of “nominal value” is replaced with an exemption of gifts from one source worth under \$100 per year. A candidate for office in, or employee in, the executive branch of state or local government may not solicit or receive political contributions from a business or activity over which the person has regulatory authority. Violating employees commit a Class A misdemeanor and forfeit their employment (H.B. 4680, Fritchey-B.F.Currie-Boland-Schoenberg-Garrett et al.—Dillard-Sullivan-Parker).

Governor’s Offices. The Historic Preservation Agency will manage and control the conservation and

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State Government & Pensions (continued from p. 21)

preservation of the Executive Mansion; the Governor's offices in the Capitol and Thompson Center in Chicago; and the Hayes House in DuQuoin. The Governor will appoint a Curator of the Executive Mansion to help the Agency carry out these duties (S.B. 2130, Philip-Dillard-Sullivan et al.—Daniels-Poe-Cross-Burke-Acevedo).



Investments by State. *Foreign debt.* The State Treasurer can invest state funds in sovereign debt of a foreign government that has not defaulted on such obligations for 25 years (H.B. 4159, Schoenberg-Garrett-May-Mathias-Feigenholtz et al.—Sullivan-Parker-Silverstein-Link).

Technology fund. Up to 1% of the State Treasurer's investment portfolio can go into a Technology Development Account to provide venture capital to encourage technology-based businesses to locate, expand, or remain in Illinois. The Treasurer may not invest more than one-third of these funds in any one year (H.B. 3212, Schoenberg-Mulligan-Osmond-Dart et al.—Dillard-Parker-Sullivan-Obama).

Museums. A private museum can receive capital development funds from the Department of Natural Resources if it is certified by its local government as a public museum and meets attendance and educational requirements. Such a museum must match state money with local funds, at a ratio based on its annual attendance (S.B. 2287, Rauschenberger—Hannig-B.F.Currie).

Open Meetings Act. If a public body has a Web site that it maintains, the agenda for each regular meeting must be posted on it—as must minutes of the meeting (S.B. 1756, Cullerton—Feigenholtz).

Pay Increases to adjust for inflation in fiscal year 2003 salaries of legislators, judges, executive-branch officers, and some appointed officers are rejected (S.B. 2313, Philip-F.Watson-Donahue-Luechtefeld-Rauschenberger et al.—Black-G.Mitchell-Lindner-Righter-Berns).

Pensions. *Chicago employees.* An automatic annual increase in pensions of Chicago municipal employees and laborers retired before age 60 will occur at 3 years after retirement, attainment of age 53, or January 1, 2002, whichever comes last. The retirement formula for members with at least 20 years' service is increased from 2.2% to 2.4% of final average salary per year of service. A duty death benefit increase of \$141,000 is also included (S.B. 314, Cronin-Sullivan-DeLeo-Obama-L.Madigan et al.—Saviano-McAuliffe-Bugielski-Capparelli-Dart).

Chicago local governments. Numerous changes are made for retirees of local governments in Chicago. A provision allowing a Chicago teacher to qualify for an optional additional annuity by making contributions, which now applies only if the teacher retires

before mid-2003, is made permanent; and if a teacher dies before making all such contributions but leaves a survivor, the contributions made will be credited toward survivor's or children's benefits as if the teacher had contributed the full amount. The surviving spouse of a teacher can get a survivor's pension after being married to the teacher at least 1 (now 1½) years, and whether or not that year elapsed before the teacher retired. Starting next January, the surviving spouse of a deceased teacher can remarry at any age (now after 55) without loss of the survivor's pension. Teachers can buy pension credit for up to 3 years of any kind of leave (now 1 year of sabbatical, sick, or parental leave). A retired teacher can teach on anything less than a "permanent or annual basis" (now up to 150 days per year) in Chicago schools without affecting pension eligibility.

Current health benefits for police, fire, municipal employees', and laborers' fund retirees are extended through June 2003. Chicago police officers mandatorily retired without 20 years' service can get pensions of 30% of highest average salary for the first 10 years plus 2% per additional year (limited to 48%). The ceiling restricting supplemental annuities for widows of policemen killed in the line of duty is raised from 50% to 75% of salary.

Pensions for employees of several Chicago local governments with minimum amounts of service credit are increased from 2.2% to 2.4% of highest average salary if they retire at least 60 days after this bill is signed. Spouses of Chicago municipal employees who die in service after being married at least 10 years can get annuities of 1.2% of highest average salary per year of service.

Chicago Public Building Commission and Chicago Housing Authority employees who have credit in the

Chicago municipal employees' fund can participate in that fund while working for those agencies.

An early retirement incentive is offered for Cook County Employees' and Cook County Forest Preserve Fund participants who are at least 50 with at least 20 years' service at retirement—which normally must occur before April 2003.

An unmarried minor survivor of a Chicago laborers' pension fund member becomes eligible for a child's annuity, regardless of whether the member died in the line of duty. Persons getting ordinary disability benefits from that fund will be treated (retroactive to January 1, 2001) as having made pension contributions, with no deduction from their disability pensions (H.B. 5168, Daniels-Zickus-McAuliffe-O'Connor-Durkin et al.—T.Walsh-Molaro-Trotter).

State employee early retirement. State employees who are at least 50, have at least 8 years' service, and meet other requirements can buy up to 5 years' pension credit and age, and use them to retire in the remainder of 2002. The resulting additional pension liability is to be paid off by 2013 (H.B. 2671, M.Madigan-B.F.Currie-Murphy-Poe-Klingler et al.—Bomke-Philip-T.Walsh).

State Universities Retirement System. Participants can retire in any year (now only in 2002) with 30 years' service. Benefits are restored to surviving spouses of SURS participants whose pensions ended on remarriage; and survivors will get at least \$17.50 monthly per year (up to 30) of service by the member. The System is encouraged to use emerging investment managers, female or minority-owned businesses, or businesses owned by persons with disabilities to manage its assets (H.B. 2370, Mike Smith-Bost-Stephens-Righter—Luechtefeld-Donahue-B.Brady-Demuzio).

Prison Privatization. The Department of Corrections was to be prohibited from contracting with private vendors for prison food or commissary services (H.B. 3714, Hannig-Black-Granberg-Tenhouse-Hartke et al.—Hawkinson-F.Watson-Luechtefeld-Woolard-O'Daniel, **vetoed, override attempt failed**).

Records. *Freedom of Information Act exemptions.* An exemption for computer "graphic" systems is changed to "geographic" systems (S.B. 1706, T.Walsh—Brosnahan-Hultgren-McCarthy).

State Records Act. The definition of "record" is amended to include electronic material and databases, and

exempt blank forms. Records in state possession are public property, cannot be destroyed, and must be available for public inspection unless otherwise provided. A provision requiring 24 hours' notice before inspection is deleted. Electronic records must be kept accessible to the public for their retention period if equipment or programs to read them change. The Auditor General will audit and report on agencies' compliance with the Act (H.B. 4938, McGuire-Boland—L.Walsh).

Ronald Reagan Day. February 6th is designated as a commemorative day to honor the 40th President (S.B. 1553, Philip-Sieben-Dudycz et al.—Daniels-G.Mitchell-Bellock).

State Employees. *Health insurance.* State employees giving proof of outside health coverage can elect not to participate in the state employee health insurance program. They can re-enroll if a qualifying event occurs, or during the annual benefits choice period. Employees declining coverage will not get the state's health costs refunded to them (S.B. 1859, Bomke-Welch—Poe-J.Jones-Giles-Mautino).

Payroll deductions. Forms for organizations attempting to qualify for payroll deduction can require only the last 4 digits of a state employee's Social Security number (H.B. 5829, Coulson-Kosel-Holbrook-Crotty—Sullivan-Link).

Veterans' Memorial. A Gulf War Veterans' Memorial can be built by a private entity on state property at Springfield's Oak Ridge Cemetery (H.B. 1033, Tenhouse-Poe-McAuliffe-Bost-Holbrook et al.—Donahue-L.Walsh-Noland). □

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Abolished Boards

Budget Advisory Panel
Biotechnology Advisory Council
Economic Emergency Councils (local)
Military Base Reuse Advisory Board Act
State Parks Revenue Bond Commission
State Parks Revenue Bond Act
Natural Heritage Fund Advisory Committee
Lake County Metropolitan Exposition and Auditorium Authority & Board
Toll Highway Advisory Committee
Truth-in-Sentencing Commission

(H.B. 1640, Rutherford—T.Walsh).

License Plates Authorized

The General Assembly voted to authorize a number of new kinds of specialty license plates described below.

Custom Vehicles and Street Rods. These two types of plates can be issued for vehicles meeting criteria for their two classifications and used mostly for display. Extra fees for them will go entirely for the Secretary of State's administrative expenses (H.B. 4344, Parke-Moffitt-Black-Holbrook-Tenhouse et al.—Shadid-Burzynski).

Greek Organizations. Pan-Hellenic license plates can be issued to fraternity and sorority members. Net proceeds will be distributed, by appropriation, to charitable foundations for African-American fraternities and sororities based on the number of plates sold for each (H.B. 6004, Scully-Howard-Miller-L.Jones-Murphy et al.—E.Jones-Margaret Smith-Trotter-Lightford).

Hospice license plates can be issued, with net proceeds used to make grants for hospice services (H.B. 3629, Black-Mike Smith-Mathias-Bost-Crotty et al.—Noland).

Lewis and Clark. Net proceeds will promote tourism related to the Lewis and Clark Expedition (H.B. 3645, Holbrook-S.Davis-Reitz—Bowles).

Military Reserves; Sports Teams. Former members of the Illinois National Guard and U.S. armed forces reserves or their surviving spouses (added to current members) may be issued special plates. Starting in 2003, military special plates can be issued to qualified participants in the "circuit breaker" program for \$24. Professional sports team plates are authorized, featuring logos of Chicago and St. Louis teams. Net proceeds will go to the Common School Fund (H.B. 4937, Fritchey-Boland-McAuliffe-Stephens-J.Lyons et al.—Parker).

Motorcycle Military Plates. Motorcycles (added to automobiles) of qualified applicants can display military special plates (S.B. 1550, J.Myers et al.—J.Watson-Mathias-Moffitt).

Neuroblastoma. "Stop Neuroblastoma" license plates can be issued, with net proceeds going to the American Cancer Society to fight neuroblastoma and other cancers (S.B. 2185, Karpiel—Pankau-Kosel-B.Mitchell).

Park District Youth Program. Net proceeds will be used for grants to encourage innovative after-school programs for youth (H.B. 4229, Bassi-Crotty-Mathias-Holbrook et al.—Parker-Sullivan); (S.B. 1623, Parker-Sieben—Bassi-Mathias-Crotty).

Public Broadcasting System. Net proceeds will be used to support public broadcasting stations in Illinois (H.B. 3713, Bost-B.Mitchell-Holbrook—Luechtefeld).

Route 66. Net proceeds will promote tourism connected with former U.S. 66 (S.B. 1552, L.Walsh-Munoz-Bowles-Bomke-Stone—O'Brien-McGuire-Burke).

September 11 is designated a Day of Remembrance. September 11th license plates can be sold; net proceeds will aid victims of terrorism and help local governments prepare for future terrorist acts (S.B. 1531, Shadid-L.Madigan et al.—Feigenholtz-Osmond-Scully-Holbrook-M.Davis).

Transportation

The General Assembly voted to increase penalties for violations at railroad crossings; expand the classes of vehicles allowed to use flashing colored lights; require drivers to use more caution in highway construction zones; apply the speed limit for school zones to roadways within school property; and authorize use of "Segway" stand-up electric vehicles on sidewalks with a speed limit.

Abandoned Vehicles. A driver's license will not be issued or renewed for a person who abandons a vehicle and does not pay the resulting fine (S.B. 2161, Link-Parker-L. Walsh—Reitz-Poe).

All-Terrain Vehicles. The definition of an all-terrain vehicle for purposes of the Vehicle Code is changed to require that the vehicle be designed primarily for off-highway use and weigh up to 900 (now 600) pounds when made; and to exclude equipment such as lawn mowers. All ATVs bought after 1997 are defined as "vehicles" for purposes of the Code (H.B. 4933, Hoffman-Forby-Rutherford—Syverson).

Construction Zones; Lights on Authorized Vehicles. Drivers entering a highway construction zone must either change lanes to avoid workers, or reduce speed if changing lanes would be unsafe. Violation can bring a fine up to \$10,000—and suspension of driving privileges if property damage, injury, or death results. Vehicles of union representatives (presumably of construction workers) can have intermittent amber and/or white lights, to be used only while in a construction zone or parked along a highway. Vehicles of voluntary rescue squad or ambulance crews can have flashing headlights and blue grill lights, to be used only to respond to calls (S.B. 1657, Bomke et al.—Hoffman-J. Jones-Bost-Mathias-Black).

Disability Decals or Signs must be clearly visible to police—either hanging from the inside rearview mirror or on the dashboard—when a vehicle is parked in a space for persons with disabilities (S.B. 1530, Shadid—Hoffman-Holbrook-Mathias).



Drivers' Licenses and Identification Cards for persons under 21 must show the dates they will turn 18 and 21 (S.B. 1926, Sullivan-Silverstein-Link-Obama-L. Walsh et al.—Bugielski-Burke-Capparelli-Parke-J. Lyons).

Hail Damage. The owner of a vehicle that is totaled by hail damage, but still safely operable, can keep it although receiving insurance reimbursement for the damage (H.B. 4407, Wait—Syverson).

Land Ownership Disclosure. All individual holders of interests in land to be taken for a toll highway must be disclosed to the Toll Highway Authority—and to the court in a condemnation action (S.B. 2068, Parker—Schoenberg-Garrett-Morrow-Mathias-Scully).

Lights on Emergency Vehicles. Local emergency services agency members' vehicles can use red or white oscillating lights, and/or blue oscillating lights (the latter in emergencies, with written permission from local authorities) (S.B. 1924, Luechtefeld—Bost).

Parking Ticket Evidence. Parking violation notices may be entered into a computer system, and printouts of those notices used as evidence (H.B. 3713, Bost-B. Mitchell-Holbrook—Luechtefeld).

Railroad Crossings. Violation of the section on crossing violations by a driver can bring a \$250 fine

for a first offense. For a second offense the driver will be fined \$500 and may lose driving privileges. A pedestrian ignoring railroad or bridge warning signals will be fined \$250 for a first or \$500 for a repeat offense (H.B. 5240, Bellock—Dillard). The kinds of crossing violations that can cause suspension of driving privileges of a commercial driver are described in more detail (H.B. 4953, Jefferson-Hoffman—Shadid).

(continued on p. 26)

Transportation

(continued from p. 25)

Recreational Vehicles may be up to 45 (now 42) feet long, not counting mirrors and energy-absorbing bumpers (H.B. 3210, Tenhouse-Black-Turner-Reitz-J.Jones—Bomke).

School Zones. Driveways on public school property are added to the places where the speed limit is 20 m.p.h. if children are present (S.B. 1808, Noland—Winkel-Hoffman-Righter-Berns-Mathias).

*See “Criminal Law” on
p. 6 for other bills
on crimes involving
motor vehicles.*

“**Segway**” electric mobility devices can be legally ridden (at up to 8 miles per hour) on sidewalks without violating state law. Operators will have the rights and duties of pedestrians (H.B. 5610, Burke-Poe et al.—Sullivan-Molaro-Dudycz).

Uninsured Driving. A person convicted a third or additional time of operating an uninsured motor vehicle must provide proof of financial responsibility for at least a year to be allowed to drive (H.B. 5615, Slone-Mathias-Boland-Fowler-Leitch et al.—Shadid-Radogno). □

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Abstracts *(continued from p. 28)*

Proposed new appropriations were from bond funds (\$1.435 billion), various revenue funds (\$2.420 billion), and federal or trust funds (\$144 million). They included the following purposes: capital development, \$504 million; transportation “A,” \$500 million; transportation “B,” \$151 million; school construction, \$70 million; anti-pollution, \$19 million; and coal development, \$6 million. Governor also requested a \$708 million increase in general obligation authorization for capital facilities (\$689 million) and anti-pollution (\$19 million). New capital development funds would go to the following purposes: higher education, \$300 million; state facilities, \$180 million; grants to local governments for facilities, \$65 million; Open Land Trust Program, \$40 million; conservation, \$35 million; public health facilities, \$33 million; correctional facilities, \$30 million; and water resources, \$6 million. Governor projected new bond sales of \$1.7 billion for general obligation and \$200 million for Build Illinois. Debt service is expected to cost \$982 million, up by \$128 million (15%). Describes capital projects of agencies recommended for new appropriations. (25 ILCS 155/3(8); April 2002, 27 pp.)

Guardianship and Advocacy Commission

Annual report, 2001

The Commission protects rights of persons with disabilities through Human Rights Authority, Legal Advocacy Service, and Office of State Guardian. It was guardian for 5,084 wards; average caseload per guardianship representative was 122. Commission provided legal representation, general information, and referrals for 8,838 clients. It investigated 518 cases of alleged violations of disabled persons’ rights. (20 ILCS 3955/5; May 2002, 19 pp.)

Human Services Dept.

Home services annual report, FY 2001

Some 34,032 people with disabilities got home services, costing \$208 million. Accomplishments included adding 12 new Community Reintegration projects allowing over 300 clients to go from nursing homes to integrated community homes; adopting a Virtual Case Management system; and streamlining the billing and payment process. Total new referrals receiving next-day personal assistant, homemaker, adult day care, or emergency home response services were up 90% since FY 1999. (20 ILCS 2405/3(f); May 2002, 8 pp.)

Public Aid Dept.

Report on medicaid, FYs 1999-2001, and long-term care, FY 2001

DPA spent \$5.6 billion on health benefits. KidCare enrollment rose 50% to 157,946. There were 8 “supportive living facilities” for frail elderly persons not needing full nursing care. Medicaid supported about 57,000 people in 786 Illinois nursing homes. Graphs and tables give detailed information on 1999-2001 trends. (305 ILCS 5/5-5 and 5/5-5.5; undated, rec’d April 2002, 67 pp.)

State Police Dept.

Report on consensual eavesdropping, 2001

Eavesdropping reports filed by 64 counties listed 601 orders (540 original and 61 extension) for eavesdropping with the consent of one party to a conversation. Types of crimes investigated were: 64% drug, 10% murder, 6% theft-related, 4% sex-related, and 4% other; 12% were not reported. Eavesdropping brought 607 arrests and 163 convictions; 219 arrests and 349 trials were pending. A table gives basic facts on each order including county, requesting police agency, and type of crime suspected. (725 ILCS 5/108A-11(c); April 2002, 25 pp. + appendix). □

Bills With Governor's Action

Below is a list of the bills summarized in this issue of First Reading, with the Governor's action beside each. Information on all bills of this session, including their full texts, is available on the World Wide Web at:

<http://www.legis.state.il.us/legisnet/legisnet92/92gatoc.html>

<i>House Bills</i>	<i>Action</i>	<i>House Bills</i>	<i>Action</i>	<i>House Bills</i>	<i>Action</i>	<i>Senate Bills</i>	<i>Action</i>	<i>Senate Bills</i>	<i>Action</i>
2		4245		5648	P.A. 92-575	1569	P.A. 92-585	1934	
136		4255		5652		1577		1936	
148	P.A. 92-533	4321		5654		1583		1953	
539	P.A. 92-536	4335	P.A. 92-656	5681		1606	P.A. 92-639	1983	P.A. 92-604
811		4344		5686	P.A. 92-600	1622		2001	
1033		4351		5709	P.A. 92-557	1623		2016	P.A. 92-616
1081		4353		5785	P.A. 92-558	1634	P.A. 92-612	2022	
1436		4354		5803		1635		2024	
1640		4365		5807		1638	P.A. 92-559	2030	
1692		4371		5822	P.A. 92-578	1645		2037	
1815	P.A. 92-618	4397		5829	P.A. 92-634	1646		2050	
1889		4407		5842	P.A. 92-579	1657		2068	
1961		4409		5844		1658		2072	P.A. 92-652
1975		4444		5870		1666		2074	P.A. 92-653
2058		4457		5874		1706	P.A. 92-645	2081	P.A. 92-537
2271		4466		5906		1713	P.A. 92-646	2098	P.A. 92-594
2370		4471	P.A. 92-554	5911		1726	P.A. 92-647	2117	
2381	P.A. 92-595	4472		5939	P.A. 92-580	1730		2118	
2671	P.A. 92-566	4473		5941		1735	P.A. 92-614	2130	
2828	P.A. 92-596	4580	P.A. 92-597	5961		1752	P.A. 92-615	2155	
3210		4581	P.A. 92-598	5996	P.A. 92-592	1756		2160	
3212		4667		6001	P.A. 92-581	1777		2161	P.A. 92-654
3363	P.A. 92-613	4680		6004		1782	P.A. 92-649	2164	
3629		4696		6012	P.A. 92-602	1794	P.A. 92-562	2185	
3645		4720		6038		1795		2195	P.A. 92-564
3652	P.A. 92-619	4879		6061		1803		2201	
3673		4890				1806	P.A. 92-650	2211	
3713		4912				1808		2212	
3714	Vetoed	4926				1830		2223	
3744		4933		Senate Bills	Action	1851		2224	P.A. 92-590
3774		4936	P.A. 92-571	119	P.A. 92-543	1859		2271	
3938		4937		314	P.A. 92-609	1924		2287	P.A. 92-606
3993		4938		929		1926		2313	P.A. 92-607
4023		4953		1282	P.A. 92-583	1932		2393	P.A. 92-538
4074		5002		1524	P.A. 92-636				
4078		5004		1527					
4081		5168	P.A. 92-599	1530	P.A. 92-637				
4106		5240		1531					
4117		5255		1534	P.A. 92-544				
4129		5557	P.A. 92-574	1537					
4159	P.A. 92-546	5567		1542					
4179		5578		1543	P.A. 92-603				
4187	P.A. 92-626	5610		1550	P.A. 92-545				
4188		5615		1552					
4208		5625		1553	P.A. 92-584				
4228		5639		1565					
4230		5647							

Veto Session Schedule

November

7, 19, 20, 21

December

3, 4, 5

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.

FIRST READING

A publication of the Legislative Research Unit

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Composition & Layout

Board of Higher Education

Technology transfer report

House Resolution 308 (2001) asked each Illinois research university to develop a plan for technology transfer to the private sector. Each report was to show data on patents, licenses, and registrations held by the university; startup companies; and companies housed in university research parks. Five public and six private research universities identified in Illinois are in varying stages of developing technology transfer plans. They hold a total of 1,357 patents (38% received during the 5 years 1997-2001), and 890 licenses or registrations (58% from those years). Patents, licenses, and registrations brought over \$67 million to those institutions in those years. Eight research universities or their faculties helped form a total of 105 companies; five research universities have research parks that house 126

companies. (H. Res. 308 [2001]; April 2002, 5 pp. + copies of technology transfer plans.)

Children and Family Services Dept.

Illinois child endangerment risk assessment protocol report, 2002

This standard tool for assessing whether to leave an abused or neglected child in an abuser's care was implemented in December 1995. Since then, recurrence of child abuse and neglect within 60 days after a report to DCFS has fallen nearly three-fifths—from 2.71% to 1.11%. (20 ILCS 505/21(e); Apr. 2002, 15 pp.)

Economic and Fiscal Commission

Legislative capital plan analysis, FY 2003

Governor's capital budget proposal for fiscal 2003 included \$3.999 billion in new appropriations and \$8.388 billion in reappropriations.

(continued on p. 26)



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