



ILLINOIS STATE
BAR ASSOCIATION

STANDING COMMITTEE ON GOVERNMENT LAWYERS

The newsletter of the ISBA's Standing Committee on Government Lawyers

From the editors

In an attempt to maintain the highest levels of timeliness, we break from our usual format to issue this special edition of our newsletter devoted

entirely to legislation. We hope that the "Legislative update" provides you with pertinent information from the first year of the General Assembly's 93rd legislative session.

Legislative update

Appropriation

Public Act 93-0032 (SB 1903)

Creates the FY2004 Budget Implementation Act. Provides that the purpose of the Act is to make changes relating to State finance and revenues that are necessary to implement the State's FY2004 budget. Makes transfers from various funds into the General Revenue Fund and other Funds. Amends numerous Acts by increasing specified fees, charges, taxes, and penalties, changing the disposition of specified fees, charges, taxes, and penalties, and makes other changes to implement the FY2004 budget. This Public Act is currently the subject of litigation challenging its validity. (See *Valstad Quarry, Inc. v. Cipriano*, Docket No. 03-CH-377 (Circuit Court, Sangamon County)). Most parts are effective June 20, 2003, the remaining portions are effective July 1, 2003, September 1, 2003, December 1, 2003, and January 1, 2004.

Child support collection

Public Act 93-0116 (HB 0016)

Amends the Illinois Public Aid

Code, the Illinois Marriage and Dissolution of Marriage Act, the Non-Support Punishment Act, and the Illinois Parentage Act of 1984. Among other things, provides that upon request by the Department of Public Aid's Child and Spouse Support Unit or another public office responsible for enforcing a child support order, employers, labor unions, and telephone companies must provide location information concerning putative fathers and noncustodial parents for the purpose of establishing a child's paternity or establishing, enforcing, or modifying a child support obligation. Requires an employer, labor union, or telephone company to respond within 15 days, and provides for a civil penalty for a failure to do so. Effective July 10, 2003.

Civil procedure

Public Act 93-0087 (HB 1038)

Amends the Code of Civil Procedure. Among other things, in the provisions concerning records of hospitals, physicians and other health care practitioners, requires that the facility or practitioner provide records within 30 days (instead of 60 days, in the case of hospitals) after a request. Makes the provisions concerning hospital records applicable to other health care facilities. Requires facilities and practitioners to provide 30 days advance notice of closure of a facility or practice. Effective July 2, 2003.

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See page 16 for details.

Public Act 93-0387 (SB 0348)

Amends the Code of Civil Procedure. Provides that every count in every complaint and counterclaim shall contain specific prayers for relief. Effective July 25, 2003.

Colleges & universities

Public Act 93-0228 (HB 1118)

Amends various Acts relating to the governance of public universities in Illinois. For students first enrolling after the 2003-2004 academic year, provides that for four continuous academic years following initial enrollment (or for undergraduate programs that require more than four years to complete, for the normal time to complete the program), the tuition charged an undergraduate student who is an Illinois resident shall not exceed the amount that the student was charged at the time he or she first enrolled in the university. Effective January 1, 2004.

Public Act 93-0549 (HB 0761)

Amends the School Code, various Acts relating to the governance of the public universities in Illinois, and the Public Community College Act. Prohibits a school district, university, or community college from providing a student's name, address, telephone number, social security number, e-

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mail address, or other personal identifying information to a business organization or financial institution that issues credit or debit cards, unless the student is 21 years of age or older. Effective July 1, 2003.

Consumer law

Public Act 93-0049 (HB 3407)

Amends the Restricted Call Registry Act. Provides that beginning October 1, 2003, it is a violation of the Act for any person or entity to make or cause to be made any telephone solicitation calls to any residential subscriber more than 45 days after the person or entity obtains the Registry or any update of the Registry on which the residential subscriber's telephone number or numbers appears. Provides that the national "do-not-call" registry established and maintained by the Federal Trade Commission shall serve as the Registry provided by the Act. Requires any person or entity conducting telephone solicitation calls to purchase the Restricted Call Registry and updates no less frequently than every three months exclusively from the Federal Trade Commission. Effective June 30, 2003.

Public Act 93-0195 (HB 2188)

Amends the Consumer Fraud and Deceptive Business Practices Act. Provides that a credit card issuer that mails an offer or solicitation to apply for a credit card and, in response, receives a completed application for a credit card that lists an address that is not substantially the same as the address on the offer must take reasonable steps to verify the change of address before issuing the credit card. In certain circumstances, requires a lender or extender of credit to take reasonable steps to verify a consumer's identity and confirm that an application for an extension of credit is not the result of financial identity theft. Provides that a violation of these provisions is an unlawful practice within the meaning of the Act. Effective January 1, 2004.

Public Act 93-0199 (HB 2972)

Amends the Electronic Mail Act. Requires an initiator of an unsolicited e-mail advertisement to establish a toll-free telephone number or return e-mail address that the recipient of the advertisement may call or e-mail to notify the sender not to e-mail any further unsolicited e-mail advertisements. Prohibits an initiator of an unsolicited e-mail advertisement from selling or transfer-

ring the e-mail address of a person who gives notice that he or she does not want to receive any further unsolicited e-mail advertisements. Provides that each unsolicited e-mail advertisement's subject line shall include "ADV:" as the first four characters and each adult-oriented unsolicited e-mail advertisement's subject line shall include "ADV:ADLT" as the first eight characters. Effective January 1, 2004.

Public Act 93-0231 (HB 0259)

Amends the Consumer Fraud and Deceptive Business Practices Act. Provides that a person or entity that provides anything of value upon presentation of a credit card or debit card may not print or otherwise reproduce on the cardholder's receipt either of the following: any part of the credit card or debit card account number, other than the last four digits or characters, or the expiration date of the credit card or debit card. Provides that the prohibition does not apply where the person to whom the credit card or debit card is presented cannot record credit card or debit card numbers except in writing or by imprint. Provides that a person who violates the prohibition is liable to the issuer or the cardholder for any actual damages resulting from the use of the cardholder's credit card or debit card without his or her permission and for costs and attorney fees. Effective January 1, 2005.

Public Act 93-0301 (HB 0087)

Amends the Elder Abuse and Neglect Act. Among other things, requires the Department on Aging to establish a database of caregivers convicted of certain offenses against the elderly or disabled. Effective January 1, 2004.

Public Act 93-0565 (SB 0228)

Creates the Automotive Collision Repair Act. Among other things, sets out requirements for disclosure of estimates to consumers and notice of customer's rights. Provides for disclosure of invoices to customers. Requires collision repair facilities to post a sign containing the list of the customers' rights. Contains a list of practices that are unlawful for collision repair facilities. Effective January 1, 2004.

Criminal law

Public Act 93-0044 (HB 0572)

Amends the Unified Code of Corrections. Increases from \$500 to \$1,000 the maximum amount of restitution that a DUI offender may be

required to pay to any one public agency if his or her violation proximately caused an incident resulting in an appropriate emergency response. Effective July 1, 2003.

Public Act 93-0169 (HB 3091)

Amends the Criminal Code of 1961. Creates and defines the offense of place of worship arson. Provides that the penalty is a Class 1 felony. Amends the Unified Code of Corrections. Provides that a person convicted of the offense of place of worship arson or residential arson may not be placed in an impact incarceration program. Provides that a person convicted of the offense of place of worship arson may not receive a period of probation, a term of periodic imprisonment, or conditional discharge. Provides that in addition to any other penalty imposed, a fine of \$500 shall be imposed upon a person who is convicted of arson, residential arson, or aggravated arson. Provides that the fine shall be distributed to the fire department or fire protection district that suppressed or investigated the fire that was set by the defendant and for which the defendant was convicted of arson, residential arson, or aggravated arson. Provides that the monies distributed from the additional fine may only be used to purchase fire suppression or fire investigation equipment. Effective July 10, 2003.

Public Act 93-0178 (HB 3215)

Amends the Criminal Code of 1961. Provides that if a defendant commits reckless homicide in a construction or maintenance zone, the defendant is guilty of a Class 2 felony and, if sentenced to a term of imprisonment, shall be sentenced to not less than three years and not more than 14 years. Provides that if a defendant commits reckless homicide in a construction or maintenance zone and kills two or more persons as part of a single course of conduct, the defendant is guilty of a Class 2 felony and, if sentenced to a term of imprisonment, shall be sentenced to not less than six years and not more than 28 years. Effective June 1, 2004.

Public Act 93-0195 (HB 2188)

Amends the Criminal Code of 1961 relating to financial identity theft. Provides that a person who has learned or reasonably suspects that his or her personal identifying information has been unlawfully used by another may initiate a law enforcement investigation

by contacting the local law enforcement agency that has jurisdiction over his or her actual residence, which shall take a police report of the matter, provide the complainant with a copy of that report, and begin an investigation of the facts or, if the suspected crime was committed in a different jurisdiction, refer the matter to the law enforcement agency where the suspected crime was committed for an investigation of the facts. Provides that a person who reasonably believes that he or she is the victim of financial identity theft may petition a court, or the court, on its own motion or upon application of the prosecuting attorney, may move for an expedited judicial determination of his or her factual innocence, where the perpetrator of the financial identity theft was arrested for, cited for, or convicted of a crime under the victim's identity, or where a criminal complaint has been filed against the perpetrator in the victim's name, or where the victim's identity has been mistakenly associated with a criminal conviction. Effective January 1, 2004.

Public Act 93-0206 (HB 0223)

Amends the Criminal Code of 1961. Exempts from an eavesdropping violation, electronic video and audio recordings made of a custodial interrogation of an individual by a law enforcement officer who complies with specified standards of conducting the interrogation. Amends the Code of Criminal Procedure of 1963 and the Juvenile Court Act of 1987. Provides that no oral, written, or sign language statement of an accused made as a result of a custodial interrogation shall be admissible as evidence against the accused in a prosecution for homicide offenses or certain sex offenses unless an electronic video and audio recording is made of the statement and the accused is given specified warnings. Provides that the presumption of inadmissibility of a statement made by a homicide suspect at a custodial interrogation only applies to a suspect interrogated at a police station or other place of detention. In the case of an accused under 17 years of age at the time of the offense and subject to the Juvenile Court Act, these requirements apply in cases of non-probationable felonies. Provides for certain warnings to be received before written statements of the accused are admissible. Establishes exceptions. Eliminates provisions relating to the defense attorney reviewing copies of the recording. Permits the recording of the

custodial interrogation to be digitally recorded. Permits statements that were not recorded to be admitted into evidence to rebut a witness called by the defendant. Also provides that an electronic recording of a statement by the minor or accused during a custodial interrogation is confidential and exempt from public inspection.

Amends the Department of State Police Law of the Civil Administrative Code of Illinois. Provides that the grants for purchasing videotape equipment shall be made by the Illinois Criminal Justice Information Authority. Amends the Illinois Police Training Act. Provides that police shall be trained on the methods of conducting electronic interrogations. Effective July 18, 2003.

Public Act 93-0210 (SB 0423)

Amends the Criminal Identification Act and the Unified Code of Corrections. Provides that if a conviction has been set aside on direct review or on collateral attack and the court determines by clear and convincing evidence that the defendant was factually innocent of the charge, the court shall enter an order expunging the record of arrest from the official records of the arresting authority and order that the records of the clerk of the circuit court and Department of State Police be sealed until further order of the court upon good cause shown and the name of the defendant obliterated from the official index kept by the circuit clerk. Amends the State Appellate Defender Act. Provides that the State Appellate Defender shall establish, maintain, and carry out an expungement program to provide information to persons eligible to have their arrest or criminal history record information ordered expunged, sealed or impounded. Provides that the State Appellate Defender shall compile a statewide list of volunteer attorneys willing to assist eligible individuals through the expungement process. Effective July 18, 2003.

Public Act 93-0211 (SB 0788)

Amends the Criminal Identification Act. Provides for the automatic sealing of arrest and conviction records for persons convicted of or placed on supervision for a misdemeanor or arrested without conviction three years, or 4 years in case of a conviction after the completion of the defendant's sentence, if the defendant does not have a criminal conviction or supervision within that period.

Provides that law enforcement authorities may inspect the sealed records. Provides that records of persons convicted of or placed on supervision for DUI, a sex offense, a violation of an order of protection, or a crime of violence may not be sealed. Provides that the person whose records are sealed must pay a processing fee to the Department of State Police. Permits the State's Attorney to object to the sealing of the records. Provides for a hearing to determine whether the records should be sealed. Effective January 1, 2004.

Public Act 93-0232 (HB 0532)

Amends the Code of Criminal Procedure of 1963. Provides that a peace officer may conduct temporary questioning and make arrests in any jurisdiction within this State if the officer, while on duty as a peace officer, is requested by an appropriate State or local law enforcement official to render aid or assistance to the requesting law enforcement agency that is outside the officer's primary jurisdiction. Effective January 1, 2004.

Public Act 93-0311 (HB 0525)

Amends the Illinois Public Aid Code. Provides that the current address of a recipient who was a victim of a felony or a witness to a felony shall be made available upon request to a State's Attorney or a State's Attorney's investigator. Amends the Unemployment Insurance Act. Provides that the Department of Employment Security shall make available to a State's Attorney or a State's Attorney's investigator, upon request, the current address or, if the current address is unavailable, current employer information, if available, of a victim of a felony or a witness to a felony or a person against whom an arrest warrant is outstanding. Effective January 1, 2004.

Public Act 93-0371 (HB 3504)

Amends the Code of Criminal Procedure of 1963. Provides that the court may not order bail bond deposited by or on behalf of a defendant in one case to be used to satisfy financial obligations of that same defendant in a different case until bail bond is first used to satisfy attorney fees as well as court costs and unpaid child support obligations in the case in which the bail bond has been deposited. Effective January 1, 2004.

Public Act 93-0391 (SB 1407)

Amends the Clerks of Courts Act.

Permits the clerk of the circuit court to accept credit card payments over the Internet for fines, penalties, or costs from offenders on voluntary electronic pleas of guilty in minor traffic and conservation offenses. Effective January 1, 2004.

Public Act 93-0394 (SB 0211)

Amends the Criminal Code of 1961. Provides that a State's Attorney may create within his or her office a bad check diversion program for offenders who agree to voluntarily participate in the program instead of undergoing prosecution. Provides that the program may be conducted by the State's Attorney or by a private entity under contract with the State's Attorney. Provides that the bad check diversion program may require an offender to: (1) pay for, at his or her own expense, and successfully complete an educational class held by the State's Attorney or a private entity under contract with the State's Attorney; (2) make full restitution for the offense; (3) pay a per-check administrative fee. Provides that the State's Attorney, or private entity under contract with the State's Attorney, may recover, in addition to the face amount of the dishonored check or draft, a transaction fee to defray the costs and expenses incurred by a victim who received a dishonored check that was made or delivered by the offender. Provides that the transaction fee shall be paid to the victim as restitution for the offense.

Establishes grounds for the State's Attorney to revoke a contract with a private entity to operate a bad check diversion program. Provides that the State's Attorney must annually audit the program. Provides that funds of the program must be maintained in a special trust account. Provides that the information obtained by the private entity is confidential between the entity and the State's Attorney. Provides that the State's Attorney shall resolve grievances between an offender and the private entity contracted to operate the bad check diversion program. Effective July 29, 2003.

Public Act 93-0413 (HB 2526)

Amends the Code of Criminal Procedure of 1963. Defines the phrase "unavailability as a witness." Effective August 5, 2003.

Public Act 93-0418 (HB 0564)

Amends various Acts relating to criminal history records checks. Provides that applicants for various

occupational and gaming licenses, prospective school employees, prospective adoptive parents, public housing tenants, liquor licensees, driving school instructors, and commercial vehicle relocators shall submit fingerprints to the Department of State Police. Provides that the Department of State Police shall check the fingerprints against the fingerprint records now and hereafter filed in the Department of State Police and FBI criminal history records databases. Provides that the Department shall charge a fee for conducting the criminal history records checks, which shall be deposited into the State Police Services Fund. Effective January 1, 2004.

Public Act 93-0517 (SB 0015)

Amends the Criminal Code of 1961. Exempts from an eavesdropping violation, electronic recordings made of a custodial interrogation of an individual by a law enforcement officer at a police station or other place of detention in investigations for homicide. Amends the Code of Criminal Procedure of 1963 and the Juvenile Court Act of 1987. Provides that statements made by a suspect at a custodial interrogation at a police station or other place of detention in investigations for homicide are presumed inadmissible unless electronically recorded. Permits statements that were not recorded to be admitted into evidence to rebut a witness called by the defendant. Provides that the presumption may be overcome by a preponderance of the evidence that the statements were voluntary and reliable based upon the totality of the circumstances. Also provides that an electronic recording of a statement by the minor or accused during a custodial interrogation is confidential and exempt from public inspection.

Amends the Illinois Police Training Act. Provides that the Illinois Law Enforcement Training Standards Board must conduct a training program for police officers on the methods and technical aspects of electronic recording of interrogations. Amends the Illinois Criminal Justice Information Act. Provides that the Illinois Criminal Justice Information Authority, from appropriations made to it for that purpose, shall make grants to local law enforcement agencies for the purpose of purchasing equipment for electronic recording of interrogations. Effective August 6, 2003.

Elections

Public Act 93-0574 (SB 0428)

Amends the Election Code to address, among other things, the use of in-precinct voting systems with optic scan technology, makes changes in terms and procedures to accommodate the use of touch-screen computers to display and mark ballots. Adds language concerning the requirements for accepting provisional ballots for voters whose identification cannot be verified on election day. Adds provisions concerning Direct Recording Electronic Voting Systems. Amends the Election Code and the School Code to set forth the requirements for a "campaign free zone" at polling places. Amends the Counties Code and the Park District Code to authorize advisory referenda. Effective August 21, 2003.

Fees

Public Act 93-0039 (HB 0269)

Amends the Clerks of Courts Act. Provides for a combined fee schedule for circuit clerks' fees in counties having a population of not more than 500,000 inhabitants. Repeals fee schedule for counties having a population of 180,000 inhabitants or less. Effective July 1, 2003.

Public Act 93-0458 (HB 3501)

Amends the Illinois Domestic Violence Act of 1986. Provides that the circuit clerk may not charge a fee for amending, vacating, or photocopying petitions or orders and may not charge a fee for issuing alias summons or related filing service. Effective January 1, 2004.

Public Act 93-0558 (SB 0267)

Amends the Counties Code. Restores a provision that allows the county board, in setting a court services fee, to impose differential rates for the various types or categories of criminal and civil cases, but provides that the maximum fee shall not exceed \$25 (instead of \$15). Provides that all proceeds from a court services fee imposed by a county board must be used to defray court security expenses. Effective December 1, 2003.

Freedom of Information Act

Public Act 93-0043 (HB 0539)

Amends the Freedom of Information Act. Provides that a private gain or public loss, the expectation of which exempts certain information from the Act's inspection and copying requirements, does not

include a news medium's dissemination of information regarding the public's health, safety, welfare, and legal rights. Effective July 1, 2003.

Public Act 93-0237 (HB1425)

Amends the Freedom of Information Act. Exempts from inspection and copying the names, addresses, or other personal information of participants and registrants in park district, forest preserve district, or conservation district programs. Effective July 22, 2003.

Public Act 93-0325 (SB 1034)

Amends the Freedom of Information Act. Provides that the exemption from inspection and copying requirements for architects' plans and engineers' technical submissions includes but is not limited to specified utility, transportation, public, and government facilities. Effective July 23, 2003.

Public Act 93-0422 (HB 0954)

Amends the Freedom of Information Act. Exempts the following from the Act's inspection and copying requirements: (i) construction-related technical documents for projects, to the extent disclosure would compromise security; (ii) vulnerability assessments, security measures, and response procedures for attacks, and (iii) maps and other records with respect to utility locations. Effective August 5, 2003.

Public Act 93-0466 (SB 0690)

Amends the Freedom of Information Act. Permits a court to award attorney fees and costs to a party denied public records requested fundamentally for their commercial value only if the records were of clearly significant public interest and the public body lacked a legal basis for its denial. Permits a court to award costs, as well as fees, to a prevailing party who sought disclosure. Effective January 1, 2004.

Local government

Public Act 93-0035 (HB 0115)

Amends the Rural Bond Bank Act. Provides that the Rural Bond Bank and the State Fire Marshal shall administer a fire truck revolving loan program to provide zero interest loans for the purchase of fire trucks by a fire department or fire protection district. Establishes terms of the loan. Effective June 24, 2003.

Public Act 93-0058 (SB 1205)

Amends the Illinois Municipal Code. Provides that any municipality may enter into a long-term energy contract,

even if the length of the contract would exceed the term of office of the corporate authorities that approved the contract. Effective July 1, 2003.

Public Act 93-0109 (HB 2634)

Amends the Township Code and the Illinois Vehicle Code. Provides that township voters may authorize general road and bridge funds or town funds to be used for disposal of brush and leaves from property contiguous to roadways and for disaster relief services approved by the township board. Provides that, if the voters have granted the authority, the highway commissioner may provide for disposal of brush and leaves and for necessary disaster relief services. Effective July 8, 2003.

Public Act 93-0126 (HB 0544)

Amends the Fire Protection District Act. Requires a fire protection district receiving revenues of less than \$850,000 (rather than appropriating less than \$200,000) for the fiscal year to prepare the financial report required by Section 3 of the Governmental Account Audit Act. Effective January 1, 2004.

Public Act 93-0157 (HB 1246)

Amends the Counties Code. Provides that in a county with fewer than 2 million inhabitants, certain contracts for services, materials, equipment, or supplies in excess of \$20,000 (instead of \$10,000) must be let by competitive bid. Effective January 1, 2004.

Public Act 93-0164 (HB 1455)

Amends the Illinois Highway Code. Deletes language providing that a road district commissioner may not let any contracts for road construction or repair with a value in excess of \$10,000, and may not spend more than \$10,000 for road construction or repair, without the approval of the county superintendent of highways or the highway board of auditors. Deletes language providing that, in emergency situations, a highway commissioner must have the approval of the county superintendent of highways or the highway board of auditors before a contract valued at more than \$10,000 may be let without advertising for bids. Deletes language providing that a county treasurer must have the consent of the county superintendent of highways in order to turn over to the regular road fund of the road district, at the request of the highway commissioner, surplus moneys

collected under a special tax and deposited into a separate fund for road and bridge construction. Deletes language providing that the road district commissioner must have the permission of the county engineer in order to spend moneys collected under the special tax on a project valued at more than \$10,000. Effective July 10, 2003.

Public Act 93-0177 (HB 2301)

Among other things, amends the Illinois Vehicle Code. Provides that local authorities, including road district highway commissioners, have the authority to enact laws relating to traffic. Effective July 11, 2003.

Public Act 93-0193 (HB 1586)

Amends the Property Tax Code. Changes to January 1, 1995 (now, January 1, 1959) the date by which a subdivision in an unincorporated area of a county under township organization that contains at least one mile (now, 2 miles) of streets or roadways situated entirely within a township and not owned by the county or any other unit of government must be platted in order for the highway commissioner to propose a special service area. Effective July 14, 2003.

Public Act 93-0219 (SB 0886)

Amends the Counties Code and the Illinois Municipal Code concerning community antenna television systems. Provides that, if a county or municipality notifies or requires a developer to notify a public utility before or after issuing a permit or other authorization for the construction of residential buildings, then the county or municipality or developer shall, at the same time, similarly notify any community antenna television system franchised by or within that county or municipality (instead of requiring the municipality to notify the community antenna television system within 20 days after a permit or other authorization for the construction of residential buildings within any residentially-zoned subdivision is issued). Effective January 1, 2004.

Public Act 93-0226 (HB 3402)

Amends the Illinois State Auditing Act. Requires the Auditor General to conduct an annual audit of the water fund of certain county water commissions. Amends the Illinois Municipal Code. Contains provisions concerning the duties of certain municipalities to provide water to unincorporated areas. Amends the Water Commission Act of

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1985. Among other things, makes changes concerning the appointment of the chairman of a county water commission. Requires a county water commission to transfer the amount of \$15 million to the home county board on or before July 1 of each year beginning with July 1, 2003, for a period of five years. Allows the home county to find, by resolution, that wells in an unincorporated territory are tainted or contaminated. Provides that the county water commission by resolution shall determine which municipality is most appropriate for supplying water to the unincorporated territory. Requires the appropriate municipality to provide access to water for the unincorporated territory within 90 days of the determination. Requires the municipality to sell water to the territory but allows the municipality to sell the water at a higher rate than that charged to municipal customers. Provides that subsequent entrants to a water supply contract shall pay rates equal to rates paid by other parties pursuant to the water supply contract and provides that water rates charged to municipalities on the effective date of the amendatory Act shall not be increased for five years. Effective July 22, 2003.

Public Act 93-0256 (HB 0526)

Amends the Counties Code. Provides that the fees collected by the county board of any county for filing instruments, papers, or notices of record may be used to defray the cost of providing access to records through the Internet. Provides that a special fund set up by the treasurer may be used for a system to provide electronic access to a document records system. Provides that the county board of any county that maintains a countywide map through a Geographic Information System may use the fee charged for filing of instruments, papers, or notices of record to defray the cost of providing electronic access to the county's Geographic Information System records. Effective July 22, 2003.

Public Act 93-0290 (SB 1370)

Amends the Counties Code. Provides that no fine or penalty imposed by a county board, except certain civil penalties, shall exceed \$1,000 (now, \$500). Effective January 1, 2004.

Public Act 93-0291 (SB 1382)

Amends the Official Bond Payment Act. Provides that a municipality may obtain, from a risk management pool

of municipalities, any official bonds required by law to be furnished by officers of the municipality. Effective January 1, 2004.

Public Act 93-0293 (SB 1409)

Amends the Illinois Municipal Code. Provides that local emergency energy plans must include information concerning blood banks. Effective July 22, 2003.

Public Act 93-0302 (HB 0116)

Amends the Fire Protection District Act. Provides that the board of trustees of a fire protection district may impose reasonable civil penalties on individuals who repeatedly cause false fire alarms. Amends the Township Code. Provides that the township board of any township providing fire protection services may impose reasonable civil penalties on individuals who repeatedly cause false fire alarms. Effective January 1, 2004.

Public Act 93-0304 (HB 0120)

Among other things, amends the Township Code. Provides that the corporate authorities of each township may fix, charge, and collect fees not exceeding the reasonable cost of all fire protection services rendered by the township against non-resident persons, businesses, and other entities. Provides that such charge may not be assessed against residents of the township or persons who request fire protection coverage for an unprotected area and who pay the township an amount equal to the township's fire protection tax. Provides that the charge for such services shall not exceed \$125 per hour per vehicle and shall not exceed \$35 per hour per firefighter responding to a call for assistance. Provides that an additional charge may be levied to reimburse the township for extraordinary expenses of materials used in rendering such services. Provides that no charge shall be made for services for which the total charge would be less than \$50. Provides that all revenue from the charges assessed shall be deposited into the general fund of the township.

Amends the Illinois Municipal Code. Allows a municipality to fix, charge, and collect firefighting service fees not exceeding the actual cost of firefighting services rendered to residents outside its corporate limits. Allows the municipality to levy an additional charge for extraordinary expenses of materials used in rendering the firefighting services. Provides that the provisions shall not impact

any agreement entered into by a municipality and a non-resident and shall not require a municipality to supply firefighting services to property located outside its corporate limits. Further amends the Illinois Municipal Code. Allows a municipality to fix, charge, and collect emergency medical service fees not exceeding the actual cost of emergency medical services rendered to residents outside its corporate limits. Allows the municipality to levy an additional charge for extraordinary expenses of materials used in rendering the emergency medical services. Provides that the provisions shall not impact any agreement entered into by a municipality and a non-resident and shall not require a municipality to supply emergency medical services outside its corporate limits. Effective July 23, 2003.

Public Act 93-0305 (HB 0121)

Amends the State Fire Marshal Act. Allows the Office of the State Fire Marshal to create an equipment exchange program under which fire departments, fire protection districts, and township fire departments can donate equipment to each other. Provides that the donor of the fire protection equipment is not liable for damage or injury caused by the donated equipment, with limited exception, if the donor makes certain written disclosures. Provides that the recipient of the fire protection equipment is not relieved of any liability for damage or injury caused by donated fire equipment it received. Effective July 23, 2003.

Public Act 93-0308 (HB 0138)

Amends the Election Code and the Counties Code. Authorizes advisory referenda concerning (i) the number of members of the county board to be elected, (ii) whether the board members should be elected from single-member districts, multi-member districts, or at-large, (iii) whether voters will have cumulative voting rights in the election of county board members, or (iv) any combination of the preceding three questions. Removes this type of advisory referendum from the general limit of three public questions per ballot. Effective July 23, 2003.

Public Act 93-0321 (SB 0245)

Amends the Illinois Highway Code. Provides that the highway commissioner of a road district has authority to build alleys and bike paths in unincorporated communities, using any funds

belonging to the road district in which that community is located. Provides that a highway commissioner has the same authority regarding all curbs and sidewalks in those communities (rather than only those curbs and sidewalks constructed as an integral part of a highway improvement project). Provides that a highway authority may convey a vacated highway or portion of a highway under its jurisdiction to a township road district which has petitioned for vacation of the highway and intends to use it as an alley or a designated bike path. Effective July 23, 2003.

Public Act 93-0330 (HB 0528)

Amends the Counties Code and the Illinois Municipal Code. Provides that, for purposes of implementing ordinances regarding developer donations or impact fees, "public grounds for schools" (as used in the Counties Code) and "school grounds" (as used in the Illinois Municipal Code) are both defined as including land or site improvements, which include school buildings or other infrastructure specifically and uniquely attributable to the development or subdivision in question. Further provides that this definition applies to all impact fees or developer donations paid into a school district or held in a separate account or escrow fund by any school district, municipality, or county for a school district. Effective July 24, 2003.

Public Act 93-0357 (SB 1054)

Amends the Illinois Highway Code and the Conveyances Act. Provides that a public water service or public sanitary service utility must pay for any physical damage it causes to improvements lawfully located in a road or highway right-of-way. Provides that property that includes a portion of a highway or road but is subject to the highway or road shall not be considered to "end" at the highway or road. Provides that a utility must obtain consent to use a road or highway for public utility purposes from a lawful owner of the roadway or highway property (i.e. a person whose deed of conveyance lawfully includes the property, whether or not made subject to the highway or road) who does not pay taxes by reason of the farmland assessment provisions of the Property Tax Code. Provides that the term "conveyance" expressly excludes a road, street, highway, or alley if the legal description expressly states that the road, street, highway, or

alley is excepted from the property being conveyed. Provides that the rights accruing to the abutting property owner shall be subject to all existing uses and easements located within the right-of-way and shall also be subject to such future uses and easements as may be permitted to be located within the right-of-way under the provisions of the Illinois Highway Code. Effective January 1, 2004.

Public Act 93-0360 (HB 0273)

Amends the Public Funds Investment Act and the Investment of Municipal Funds Act. Provides that a county, park district, sanitary district, or other municipal corporation may, by resolution or by ordinance (now, by ordinance only) use money in specified funds to purchase bonds and other interest-bearing obligations of states other than the State of Illinois or of any political subdivision or agency of the State of Illinois or of any other state, whether the interest earned thereon is taxable or tax-exempt under federal law (now, the funds can only be used to purchase only certain municipal bonds or bonds and other interest bearing obligations of the United States and the State of Illinois). Effective July 24, 2003.

Public Act 93-0362 (HB 0300)

Amends the Counties Code. Allows a county to provide Internet access to public records maintained in electronic form at no charge to the public and, if the county provides this access, allows the county to enter into a contractual arrangement for the dissemination of the data in bulk or compiled form and to impose a fee for the dissemination of electronic data in bulk or compiled form. Defines "electronic data in bulk form" and "electronic data in compiled form." Effective July 24, 2003.

Public Act 93-0364 (HB 1267)

Amends the Fire Protection District Act. Deletes a provision requiring referendum approval of a district's annexation of surrounded unincorporated territory under 60 acres. Effective January 1, 2004.

Public Act 93-0386 (SB 0291)

Amends the Counties Code. Provides that no sheriff shall be civilly liable for serving any warrant, order, process, or judgment that has been issued or affirmed by a court of the State of Illinois, on its face, unless the service involved willful or wanton misconduct by the sheriff. Effective January 1, 2004.

Public Act 93-0398 (HB 1447)

Amends the Township Code. Provides that the township committee on youth, with the approval of the township board, may contract with certain entities or persons to provide needed or required transportation services. Effective July 31, 2003.

Public Act 93-0409 (HB 3141)

Amends the Military Leave of Absence Act to provide, among other things, that any full-time employee of the State, a unit of local government, or a school district (instead of just the State), other than an independent contractor, who is a member of the armed forces shall be granted leave from his or her public employment for any period actively spent in military service. Effective August 4, 2003.

Public Act 93-0411 (HB 0988)

Creates the Fire Department Promotion Act. Requires municipal fire departments and fire departments operated by a fire protection district to make promotions in accordance with the Act. Requires the preparation and publishing of promotion lists. Sets components that may be included in the promotion process. Sets requirements for written examinations, the award of seniority points, the award of ascertained merit points, subjective evaluations, and the award of veterans' preferences. Sets penalties for violations of the Act. Effective August 4, 2003.

Public Act 93-0412 (HB 2489)

Amends the Telecommunications Article of the Public Utilities Act. Requires telecommunications carriers to provide a copy of any notice to local authorities when initiating a discontinuance of service on dedicated lines for fire alarms or emergency systems. Effective January 1, 2004.

Public Act 93-0415 (HB 0527)

Amends the Property Tax Code. Provides that the county board may make expenditures from the Tax Sale Automation Fund in order to defray the cost of providing electronic access to property tax collection records and delinquent tax sale records. Provides that the county board must have the approval of the county treasurer in making certain expenditures from the Tax Sale Automation Fund. Effective August 5, 2003.

Public Act 93-0420 (HB 0841)

Amends the Counties Code. Provides

that a county is authorized to acquire by eminent domain sufficient real estate for motor vehicle parking lots or garages. Effective August 5, 2003.

Public Act 93-0424 (HB 1385)

Amends the Township Code. Provides that a trade-in of machinery or equipment on new or different machinery or equipment does not constitute a sale of township or road district property. Increases to \$2,500 or less (now, \$200 or less) the value of personal property which does not require the adoption of a resolution of the intent to sell or lease the property. Effective August 5, 2003.

Public Act 93-0442 (HB 0336)

Amends the Illinois Public Labor Relations Act to provide that the Act is not applicable to units of local government employing less than 35 employees at the time the Petition for Certification or Representation is filed. Provides that bargaining units certified by the Board that fall below 35 employees after certification remain subject to the Act. Effective January 1, 2004.

Public Act 93-0468 (SB 0715)

Amends the Counties Code. Exempts certain military discharge forms or certificates recorded by a county clerk or recorder of deeds from being subject to public inspection and provides that these documents enjoy all the protections covered by the federal Privacy Act of 1974 or any other privacy law. Provides that the documents are accessible only to certain individuals. Effective January 1, 2004.

Public Act 93-0483 (SB 1167)

Amends the Illinois Municipal Code. Provides that the city council or board of trustees, as appropriate, may create the office of internal auditor. Provides that the duties of the internal auditor shall be to report directly to the council or board regarding the state of the finances of the municipality. Provides that the internal auditor may be appointed as provided by ordinance. Effective January 1, 2004.

Public Act 93-0486 (SB 1210)

Amends the Illinois Municipal Code. Provides that a municipality with 25,000 (now 15,000) inhabitants must print a statement of receipts and expenses and a summary of its proceedings during the preceding months and that municipalities with fewer inhabitants must print the statement annually.

Further amends the Illinois Municipal Code. Provides that, if the chief of police or chief of the fire department resigns as chief or is discharged as chief prior to attaining eligibility to retire on pension, he shall revert to and be established in whatever rank he currently holds (except for previously appointed positions) and be entitled to all the benefits and emoluments of that rank, without regard as to whether a vacancy then exists in that rank (now, he shall revert to and be established in his prior rank, and be entitled to all the benefits and emoluments of that prior rank, without regard as to whether a vacancy then exists in that rank). Provides that a chief of police, chief of the fire department, deputy chief of police, or assistant deputy chief of police shall be permitted, regardless of rank, to take promotional exams and be promoted to a higher classified rank than he currently holds without having to resign his current position. Provides that a deputy chief of police, in a non-home rule municipality of 130,000 or fewer inhabitants, shall serve at the discretion of the chief and, if removed from the position, shall revert to the rank currently held, without regard as to whether a vacancy exists in that rank (now, shall revert to the rank held immediately prior to appointment to the deputy chief position). Most parts are effective August 8, 2003, the remaining portions are effective January 1, 2004. Please check the effective date for your section.

Public Act 93-0490 (SB 1378)

Amends the Property Tax Code. Provides that the requirement that a purchaser of tax delinquent property or his or her assignee must reimburse a city, village, or incorporated town for advancements made from public funds with respect to that property or that the city, village, or incorporated town waive its lien on the property before a tax deed may be issued does not apply if the tax purchaser is a county acting as trustee for taxing districts. Effective August 8, 2003.

Public Act 93-0491 (SB 1383)

Amends the Civic Center Code. Provides that certain contracts with a value of more than \$10,000 (now, \$2,500 or \$5,000) shall be awarded to the highest or lowest responsible bidder, as the case may be, after advertising for bids. Provides exceptions to the requirement that contracts be awarded to the lowest bidder in certain circumstances. Effective January 1, 2004.

Public Act 93-0500 (HB 3231)

Amends the Illinois Municipal Code concerning sewer systems, except in counties with more than 250,000 inhabitants where the majority of the municipal system users are located outside the municipality. Among other things, amends the Sanitary District Revenue Bond Act to authorize discontinuance of water service or sewerage service, or both, to a premises within a sanitary district when payment of the rate or charge for sewerage service to the premises has become delinquent. States that the provider of sewerage service shall not request discontinuation of water service before sending a notice of the delinquency to the sewer user and affording the user an opportunity to be heard. Provides that an investor-owned public utility providing water service within a municipality may contract with the municipality to discontinue water or sewer service to enforce delinquent sewer charges. Provides that a municipality or sanitary district shall reimburse a water service provider for any lost water service revenues and the costs of discontinuing water service and shall indemnify the water service provider for any judgment and related attorney fees resulting from an action based on provisions authorizing discontinuance of water service. Effective June 1, 2004.

Public Act 93-0513 (HB 0136)

Amends the Illinois Vehicle Code. Among other things, provides that no official or employee of the State or any local government and no owner or employee of any new vehicle dealer, used vehicle dealer, or vehicle auctioneer may sell, trade, or otherwise dispose of any vehicle bearing equipment, markings, or other indicia of police authority, unless those indicia have been sufficiently removed to eliminate all appearance of police authority. Provides that any police officer is authorized to seize any vehicle that violates the provision and to impound the vehicle, at the owner's expense, until the indicia of police authority have been removed. Provides that anyone convicted of violating the provision is guilty of a petty offense and subject to a fine of not less than \$500 and not more than \$1,000. Effective January 1, 2004.

Public Act 93-0548 (HB 0184)

Amends the Animal Control Act to address the control of dangerous and vicious dogs. Sets forth criminal penal-

ties for failure to control dangerous or vicious dogs.

Further amends the Animal Control Act to authorize county boards to require the microchipping of dogs and cats. Provides that if the county board requires microchipping, the microchip number shall be the animal control registration number. Limits cost of microchipping to \$15. Requires the administrator to give seven business days (instead of 10 days) notice to the owner before disposing of an impounded animal, and provides that the seven business day requirement does not apply to a facility that is open seven days a week for animal reclamation. Requires a person with knowledge of another being bitten by an animal to report that fact to the administrator (instead of should report). Adds definitions of "business day" and "feral cat" to the Animal Control Act. Effective August 19, 2003.

Public Act 93-0556 (SB 0154)

Amends the Counties Code. Adds "transportation" to the purposes and uses of the revenue from the special county retailers' occupation tax for public safety. Provides notice requirements that must be fulfilled before the tax may be imposed for transportation purposes. Provides the form of a referendum proposition for imposing the tax for transportation purposes. Requires that the moneys collected be deposited into a special fund. Effective August 20, 2003.

Public Act 93-0561 (SB 1784)

Among other things, amends the Deposit of State Moneys Act, the Public Funds Deposit Act, the State Officers and Employees Money Disposition Act, and the Public Funds Investment Act. Provides that a treasurer or custodian of public funds may accept, as security for public funds deposited into a bank (i) certain securities and (ii) certificates issued by a financial institution with assets of \$15 million (instead of \$30 million) or more. Authorizes a public agency, when depositing public funds, to enter into an agreement with financial institutions requiring that any non-insured funds be collateralized by certain classes of securities. Effective January 1, 2004.

Public Act 93-0569 (SB 1638)

Amends the Public Safety Employee Benefits Act. Defines the

term "firefighter" to include, without limitation, a licensed emergency medical technician (EMT) who is a sworn member of a public fire department. Effective August 20, 2003.

Public Act 93-0589 (SB 0524)

Amends the Fire Protection District Act. Provides that, to encourage continued service with the district, the board of trustees of a fire protection district has the express power to award monetary incentives, not to exceed \$240 per year, to volunteer firefighters of the district. Provides that to be eligible for the incentives, the volunteer firefighters must have at least five years of service with the district. Provides that the amount of the incentives may not be greater than two percent of the annual levy amount when all incentive awards are combined.

Further amends the Fire Protection District Act. Provides that no person shall be appointed to the fire department unless that person is of good character and has not been convicted of a felony in Illinois, convicted in another jurisdiction for conduct that would be a felony under Illinois law, or convicted of a crime involving moral turpitude. Prohibits disqualification from appointment to the fire department because of a record of misdemeanor convictions, with certain exceptions. Effective January 1, 2004.

Public Act 93-0592 (SB 0946)

Amends the Uniform Peace Officers' Disciplinary Act. Provides that anyone filing a complaint against a sworn peace officer must have the complaint supported by a sworn affidavit. Effective January 1, 2004.

Public Act 93-0595 (HB 0625)

Creates the Affordable Housing Planning and Appeal Act. States that the purpose of the Act is to encourage counties and municipalities to incorporate affordable housing within their housing stock sufficient to meet the needs of their county or community and to allow builders to seek relief from local ordinances and regulations that may inhibit the construction of affordable housing needed to serve low-income and moderate-income households in this State. Requires certain local governments to approve an affordable housing plan prior to July 1, 2004, and sets forth the requirements for that plan. Makes other local gov-

ernments exempt from this requirement, according to determinations of the Illinois Housing Development Authority. Creates the State Housing Appeals Board to hear appeals of decisions of a local approving authority concerning applications for approval of an affordable housing development. Effective January 1, 2004.

Mental health

Public Act 93-0376 (SB 0200)

Among other things, amends the Mental Health and Developmental Disabilities Administrative Act. Provides that the Department of Human Services must develop and present annually at least one training event for, among others, judges, State's Attorneys, public defenders, private attorneys, law enforcement personnel, social workers, and certain health care professionals and personnel regarding mental illness, the standards for civil commitment and involuntary treatment, completing documentation, and changes in the Mental Health and Developmental Disabilities Code and the Mental Health and Developmental Disabilities Confidentiality Act. Effective July 24, 2003.

Minimum wage

Public Act 93-0581 (SB 0600)

Amends the Minimum Wage Law. Provides that, from January 1, 2004 through December 31, 2004, every employer shall pay each employee who is 18 years of age or older wages of not less than \$5.50 per hour. Provides that, on and after January 1, 2005, every employer shall pay each employee who is 18 years of age or older wages of not less than \$6.50 per hour. Effective January 1, 2004.

Motor vehicles

Public Act 93-0080 (HB 0123)

Amends the Illinois Vehicle Code. Prohibits installation on a motor vehicle of a "traffic control signal preemption device," a device that changes a traffic control signal to a green light or extends the duration of a green light. Provides that the device may be installed on specified emergency vehicles, commuter buses or vehicles used for snow removal. Specifies the conditions and circumstances under which a

device installed on one of those vehicles may be operated. Provides that any violation of these prohibitions is a Class A misdemeanor, punishable by a fine of \$1,000 in addition to any other penalty. Provides that the provision does not prohibit use by motorcycles of electronic or magnetic safety devices designed to allow traffic control signal systems to recognize or detect motorcycles. Effective July 2, 2003.

Public Act 93-0086 (HB 0298)

Amends the Illinois Vehicle Code. Provides that the owner (instead of the driver) of a vehicle is responsible for paying fines, charges, and costs on an abandoned vehicle and may be penalized for failure to do so. Effective January 1, 2004.

Public Act 93-0099 (SB 0050)

Amends the Illinois Vehicle Code and the Code of Criminal Procedure of 1963. Deletes language providing that law enforcement officers may not stop or search any vehicle solely on the basis of the failure of the occupants to wear seat belts. Provides that a law enforcement officer may not search or inspect a motor vehicle, its contents, the driver, or a passenger solely because the driver or passenger is not wearing a seat safety belt. Effective July 3, 2003.

Public Act 93-0100 (SB 0052)

Amends the Child Passenger Protection Act. Provides that whenever a person is transporting a child under the age of 8 (rather than 4), the person is responsible for properly securing the child in an appropriate child restraint system, which also includes a booster seat. Provides that every person, when transporting a child 8 years of age or older, but under the age of 16, is responsible for properly securing that child in seat belts. Provides that a child weighing more than 40 pounds may be transported in the back seat of a motor vehicle while wearing only a lap belt if the back seat of the motor vehicle is not equipped with a combination lap and shoulder belt. Provides that a person's failure to properly secure a child under the age of 8 (rather than 6) years is not contributory negligence. Effective January 1, 2004.

Public Act 93-0120 (HB 0092)

Amends the Illinois Vehicle Code. Among other things, provides that a person commits aggravated fleeing or

attempting to elude a peace officer if he or she disobeys two or more official traffic control devices in the course of fleeing or attempting to elude a peace officer. Effective January 1, 2004.

Public Act 93-0187 (SB 1581)

Amends the Illinois Vehicle Code and the Criminal Code of 1961. Provides that the vehicle of a person who drives without a license and without insurance and causes death or personal injury to another person is subject to seizure and forfeiture. Effective July 11, 2003.

Public Act 93-0447 (HB 1574)

Amends the Illinois Vehicle Code. Prohibits excessive use of the left lane of controlled access multilane highways except when certain conditions exist. Provides that the prohibition does not apply to authorized emergency vehicles while using emergency lighting or to law enforcement vehicles engaged in official duties. Effective January 1, 2004.

New laws

Public Act 93-0008 (SB 1418)

Creates the Ephedra Prohibition Act. Prohibits the sale of any dietary supplement containing any quantity of ephedra or ephedrine alkaloids. Provides that a person is guilty of a Class A misdemeanor for a first-time violation of the Act and a Class 3 felony for a subsequent violation. Effective May 28, 2003.

Public Act 93-0018 (SB 0003)

Creates the Senior Citizen Prescription Drug Discount Program Act. Provides that the Program shall be administered by the Department of Central Management Services to enable eligible senior citizens to purchase prescription drugs at discounted prices and that the Department shall (i) enroll eligible seniors into the Program, (ii) enter into rebate agreements with drug manufacturers, either itself or through an agent, and (iii) reimburse pharmacies for the cost of providing discounts using the proceeds from the manufacturer rebate agreements. Eligible seniors are persons who are Illinois residents and who are 65 years of age or older. Establishes a prescription pricing formula. Sets guidelines for the rebate agreements. Establishes application requirements for seniors and eligibili-

ty requirements for pharmacies. Effective July 1, 2003.

Public Act 93-0108 (HB 1157)

Creates the Uniform Child-Custody Jurisdiction and Enforcement Act. Sets forth standards for child-custody jurisdiction determinations. Creates a process for the enforcement of interstate child-custody and visitation determinations. Repeals the Uniform Child Custody Jurisdiction Act. Amends the Illinois Public Aid Code, the Intergovernmental Missing Child Recovery Act of 1984, the Criminal Code of 1961, the Code of Criminal Procedure of 1963, the Illinois Marriage and Dissolution of Marriage Act, and the Illinois Domestic Violence Act of 1986 by making changes to conform to the creation of the new Act and the repeal of the old Act. Effective January 1, 2004.

Public Act 93-0117 (HB 0032)

Creates the State Agency Web Site Act. Among other things, provides that State agency web sites may not use permanent cookies or any other invasive tracking programs that monitor and track web site viewing habits; however, a State agency web site may use transactional cookies that facilitate business transactions. Creates an exception to the prohibition of the use of permanent cookies for cases in which the use of permanent cookies "adds value to the user otherwise not available" and the permanent cookies "are not used to monitor and track web site viewing habits unless all types of information collected and the State's use of that information add user value and are disclosed through a comprehensive online privacy statement." Effective January 1, 2004.

Public Act 93-0306 (SB 0553)

Among other things, creates the Data Security on State Computers Act. Sets forth provisions concerning the establishment and implementation of a policy concerning State-owned computers to mandate that all hard drives of surplus electronic data processing equipment be cleared of all data and software before being prepared for sale, donation, or transfer. Also adds provisions concerning protection and preservation of State data on State-owned electronic data processing equipment necessary for the continuity of government functions upon relin-

quishment of the equipment to a successor executive administration. Effective July 23, 2003.

Public Act 93-0318 (HB 3209)

Creates the Small Business Advisory Act. Among other things, requires State agencies to create and make available on the World Wide Web a small business advisory page. Requires agencies to post a plain language explanation of proposed and adopted rules and legislation that the agency is designated to administer that affect small businesses on its small business advisory web page. Provides that the explanation must remain posted on the Web page for six months after the effective date of the rule or legislation. Requires each agency to notify the Department of Commerce and Community Affairs when it updates its small business advisory Web page. Requires State agencies to post plain language versions of advisory opinions and interpretations on their small business advisory Web pages. Effective January 1, 2004.

Public Act 93-0462 (SB 0404)

Creates the Children's Privacy Protection and Parental Empowerment Act. Among other things, prohibits the sale or purchase of personal information concerning children without parental consent. Effective January 1, 2004.

Public Act 93-0544 (SB 1872)

Creates the Whistleblower Act. Provides that an employer may not: make, adopt, or enforce any rule, regulation, or policy preventing an employee from disclosing information to a government or law enforcement agency if the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation; retaliate against an employee for disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation; or retaliate against an employee for refusing to participate in an activity that would result in a violation of a State or federal law, rule, or regulation. Violation is a Class A misdemeanor. Provides that, if an employer takes any action against an employee in violation of the Act, the employee may bring a civil action against the employer for all relief necessary to make the employee whole,

including but not limited to reinstatement, back pay, compensation for damages, litigation costs, expert witness fees, and reasonable attorney fees. Provides that the Act does not apply to an employer that is a governmental entity. Provides that the Act does not apply to disclosures that would constitute a violation of the attorney-client privilege. Effective January 1, 2004.

Open Meetings Act

Public Act 93-0057 (SB 1204)

Amends the Open Meetings Act. Permits a public body to close a meeting or portion of a meeting to discuss its legal counsel's appointment, performance, compensation, or dismissal. Effective July 1, 2003.

Public Act 93-0079 (HB 0105)

Amends the Open Meetings Act. Allows closed meetings to consider security procedures with respect to dangers to the public. Effective July 2, 2003.

Public Act 93-0422 (HB 0954)

Amends the Open Meetings Act. Permits a closed meeting to discuss threats to the security of the public. Effective August 5, 2003.

Public Act 93-0523 (SB 1586)

Amends the Open Meetings Act. Requires that a public body make a verbatim audio or video recording of closed meetings. Establishes procedures for the availability to the public and the court of closed meeting minutes and recordings. Establishes procedures for the destruction of the recordings. Effective January 1, 2004.

Prevailing Wage Act

Public Act 93-0016 (SB 1212)

Amends the Prevailing Wage Act. Provides that "public works" means fixed works constructed by any public body (rather than fixed works constructed for public use by any public body). Provides that "public works" includes projects financed in whole or in part with loans or other funds made available pursuant to the Illinois FIRST program. Deletes, from the definition of "public body," a requirement that the body be authorized by law to construct public works or to enter into any contract for the construction of public works. Provides that the wage for a tradesman performing maintenance is equivalent to that of a tradesman

engaged in construction.

Provides that "public works" also includes all projects financed in whole or in part with funds from the Fund for Illinois' Future under specified provisions of the State Finance Act, funds for school construction under specified provisions of the General Obligation Bond Act, funds authorized under specified provisions of the School Construction Bond Act, funds for school infrastructure under specified provisions of the State Finance Act, or funds for transportation purposes under specified provisions of the General Obligation Bond Act. Adds language requiring contractors and construction managers to post, at a location on the project site of the public works that is easily accessible to the workers engaged on the project, the prevailing wage rates for each craft or type of worker or mechanic needed to execute the contract or project or work to be performed. Provides that failure to post a prevailing wage rate is a violation of the Act. Effective January 1, 2004.

Public Act 93-0038 (HB 3398)

Amends the Prevailing Wage Act. Makes numerous changes and additions concerning matters to be included in contracts and subcontracts; maintenance and contents of records; publication of determinations of the prevailing rate of wages; objections to determinations of the prevailing rate of wages; and furnishing of records and statements concerning the accuracy of records. Provides that the presiding officer of a public body or the Director of Labor (or a representative) may interview witnesses relating to an investigation or hearing. Provides that a stipulation that not less than the prevailing rate of wages shall be paid to all workers shall be included in project specifications (rather than in bid proposals). Effective date June 1, 2004.

Revenue

Public Act 93-0004 (HB 2105)

Amends a section of the School Code concerning the organization of unit school districts and the levy of taxes. Provides that the districts from which the new district is formed, by joint agreement and with the approval of the regional superintendent, shall be permitted to amend outstanding levies in the same calendar year in which the creation of the new district

is approved at the rates specified in the petition. In a provision concerning the election of the board of education, adds a reference to the consolidated election. Effective May 2, 2003.

Public Act 93-0019 (SB 0719)

Amends the Property Tax Code. Among other things, provides that all property owned by a municipality with a population of over 500,000 inhabitants, or a unit of local government whose jurisdiction includes territory located in whole or in part within a municipality with a population of over 500,000 inhabitants, shall remain exempt from taxation and any leasehold interest in that property shall not be subject to taxation if, for the purpose of obtaining financing, the property is directly or indirectly leased, sold, or otherwise transferred to another entity whose property is not exempt and immediately thereafter is the subject of a leaseback or other agreement that directly or indirectly gives the municipality or unit of local government certain rights with respect to the property. Effective June 20, 2003.

Public Act 93-0146 (HB 2291)

Amends the Mobile Home Local Services Tax Act. Provides that beginning on January 1, 2004, a mobile home owned and used exclusively by a "disabled veteran" or the spouse or unmarried surviving spouse of the veteran as a home is exempt from the tax imposed by the Act. Requires annual reestablishment of eligibility for the exemption by certification from the Illinois Department of Veterans' Affairs to the county clerk of the county in which the exempt mobile home is located. Effective July 10, 2003.

Public Act 93-0303 (HB 0117)

Amends the Department of Revenue Law of the Civil Administrative Code of Illinois. Provides that the Department of Revenue must coordinate with the State Fire Marshal to create an awareness program to (1) inform fire departments and fire protection districts that purchases by the fire department or fire protection district are not subject to taxes under the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, or the Retailers' Occupation Tax Act and (2) explain to fire departments and fire protection districts how to claim the exemption.

Effective July 23, 2003.

Public Act 93-0346 (HB 3101)

Amends the Property Tax Code. Provides that, notwithstanding any other provision of the Code, if a school district adopts, in a fiscal year, an additional or supplemental budget as a result of the voters in the school district having voted in favor of an increase in the annual tax rate for educational or operations and maintenance purposes or both, at an election held after the adoption of the annual school budget adopted in that fiscal year, the county clerk shall include, in the extension of taxes made during that fiscal year, the extension of taxes for the supplemental or additional budget adopted by the school district. Effective July 24, 2003.

Public Act 93-0501 (HB 3405)

Among other things, amends the Property Tax Extension Limitation Law. Provides that a school finance authority established under provisions of the School Code concerning downstate school finance authorities for elementary school districts shall not be a taxing district for purposes of the Property Tax Extension Limitation Law. Provides that the Law shall not apply to the extension of taxes for a school district for the levy year in which a school finance authority for the district is created pursuant those same provisions of the School Code. Effective August 11, 2003.

Public Act 93-0511 (SB 0505)

Among other things, amends the senior citizens homestead exemption provisions in the Property Tax Code. Provides that beginning with assessment year 2003, for taxes payable in 2004, property that is first occupied as a residence after January 1 of any assessment year by a person who is eligible for the senior citizens homestead exemption must be granted a pro-rata exemption for the assessment year. The amount of the pro-rata exemption is the senior citizens homestead exemption allowed in the county divided by 365 and multiplied by the number of days during the year the property is occupied as a residence by a person eligible for the exemption. The chief county assessment officer must adopt reasonable procedures to establish eligibility for the pro-rata exemption. Effective August 11, 2003.

Schools

Public Act 93-0180 (SB 0311)

Amends the Illinois Vehicle Code. Provides that a driver must stop his or her vehicle before meeting or overtaking, from either direction, a school bus stopped at any location (rather than on a highway or on other specified roadways) for the purpose of receiving or discharging pupils. Effective July 11, 2003.

Public Act 93-0284 (SB 1030)

Amends the Sale of Tobacco to Minors Act to provide that the sale or distribution at no charge of cigarettes from a lunch wagon engaging in any sales activity within 1,000 feet of any public or private elementary or secondary school grounds is prohibited. Effective January 1, 2004.

Public Act 93-0309 (HB 0338)

Amends the School Code. Provides that in order to be eligible for election to a school board (or in Chicago to be eligible for appointment), a person must not be a child sex offender. Effective January 1, 2004.

Public Act 93-0390 (SB 0877)

Amends the School Code. Requires a school board to cooperate with disaster relief organizations with regard to civil defense shelters. Effective July 25, 2003.

Public Act 93-0557 (SB 0206)

Amends provisions of the School Code relating to waivers and modifications of School Code mandates. Requires the local public hearing on a district's waiver or modification application to be held on a day other than a regular school board meeting day, requires the district to give written notice of the public hearing to the State legislators who represent the district, and requires a district to attest to the district's compliance with applicable notification and procedural requirements. Requires the application for the waiver or modification as submitted to the State Board of Education to include a description of the public hearing. Effective August 20, 2003.

State contracts

Public Act 93-0025 (SB 0874)

Among other things, amends the Illinois Procurement Code. Provides that each bid submitted and contract executed by the State shall contain a

certification by the bidder or contractor that it is not barred from bidding or entering into a contract for failure to collect and remit Illinois Use Tax on all sales of tangible personal property. Further amends the Code to provide that each bid submitted to and contract executed by the State shall contain a certification from the bidder or contractor that the contractor and its affiliates are not barred from being awarded a contract because neither the contractor or any affiliate thereof is delinquent in the payment of a debt to the State. Effective June 20, 2003.

Public Act 93-0077 (HB 0039)

Amends the Illinois Procurement Code. Provides that a contractor may be suspended for a period of up to 10 years (now, for a period of up to five years) for violating the Code or for failure to conform to specifications or terms of delivery. Effective July 2, 2003.

Public Act 93-0133 (HB 0942)

Amends the Illinois Procurement Code. Provides that, under certain conditions, a request for information process need not be used in procuring a renewal or extension of a lease in effect before July 1, 1999 (instead of 1998). Effective January 1, 2004.

Public Act 93-0307 (HB 0102)

Creates the State Prohibition of Goods from Forced Labor Act. Provides that each contract entered into by a State agency for the procurement of equipment, materials, or supplies must specify that any foreign-made goods purchased under the contract were not produced by forced, convict, or indentured labor. Provides that a contractor who violates this provision shall be subject to suspension or a monetary penalty and the State may void the contract. Effective January 1, 2004.

Public Act 93-0370 (HB 3082)

Amends the Illinois Procurement Code. Applies the prevailing wage provisions to contracts for the following services: buildings and grounds, site technician, and natural resources. Removes the prohibition against considering State employee collective bargaining agreements when setting a prevailing wage rate. Effective January 1, 2004.

Public Act 93-0575 (SB 1379)

Among other things, amends the Illinois Procurement Code. Provides that no person or business found to have committed a willful or knowing

violation of Section 42 of the Environmental Protection Act shall do business with the State for a period of five years. Requires every bid submitted and every contract executed by the State contain a certification that the bidder is not barred from being awarded a contract for violating Section 42 of the Environmental Protection Act. Effective January 1, 2004.

Public Act 93-0600 (SB1530)

Amends the Illinois Procurement Code. Creates a five-year prohibition against bids from and contracts with businesses with personnel convicted of a felony under (i) the Sarbanes-Oxley Act of 2002 or (ii) the Illinois Securities Law of 1953. Requires that bids and contracts certify that the business is not barred by the prohibition and permits a State agency to void a contract if the certification is false. Effective January 1, 2004.

State employees

Public Act 93-0047 (HB 1031)

Amends the State Employees Group Insurance Act of 1971. Provides that the program of health benefits may include coverage for hearing evaluations, hearing aids, and the dispensing and fitting of hearing aids. Effective July 1, 2003.

Public Act 93-0102 (HB 0211)

Amends the Illinois Insurance Code, the Health Maintenance Organization Act, the State Employees Group Insurance Act of 1971 and the Voluntary Health Services Plans Act. Requires coverages under those Acts to include benefits for outpatient prescription contraceptive drugs and devices and outpatient contraceptive services. Effective January 1, 2004.

Public Act 93-0154 (SB 1918)

Amends the State Finance Act. Provides that, if the rate for reimbursement of mileage for automobile travel under federal regulations increases during the State's fiscal year, the effective date of the new rate for State purposes shall be the July 1 immediately following the change in the federal rate and, if the rate under federal regulations decreases during the State's fiscal year, the effective date of the new rate shall be the effective date of the change in the federal rate. Effective July 10, 2003.

Public Act 93-0409 (HB 3141)

Amends the Military Leave of

Absence Act. Provides that any full-time employee of the State, a unit of local government, or a school district (instead of just the State), other than an independent contractor, who is a member of the armed forces shall be granted leave from his or her public employment for any period actively spent in military service. Effective August 4, 2003.

Public Act 93-0414 (HB 0469)

Amends the State Lawsuit Immunity Act. Provides that an employee, former employee, or prospective employee of the State who is aggrieved by any conduct or action or inaction of the State that would constitute a violation of the federal Age Discrimination in Employment Act of 1967, the federal Family and Medical Leave Act, the federal Americans with Disabilities Act of 1990, or Title VII of the Civil Rights Act of 1964 may bring a civil action under that Act against the State. Provides that an employee of the State who is aggrieved by any conduct or action or inaction of the State that would constitute a violation of the federal Fair Labor Standards Act of 1938 may bring a civil action under that Act against the State "in State circuit court or federal court." Effective January 1, 2004.

Public Act 93-0537 (SB 0619)

Amends the Military Leave of Absence Act. Requires payment of State compensation and benefits to full-time State employees while on active duty with the Illinois National Guard, the United States Armed Forces reserves, or the Illinois State Militia reserves. Reduces the employee's State compensation by the amount of the employee's base active duty pay. Requires the Department of Central Management Services and the State Comptroller to coordinate in the development of applicable procedures. Effective January 1, 2004.

Public Act 93-0576 (SB 1458)

Amends the Juvenile Court Act of 1987. Provides that for purposes of that Act only, probation officers shall be considered peace officers. Provides that in the exercise of their official duties, probation officers, sheriffs, and police officers may, anywhere within the State, arrest any minor who is in violation of any conditions of his or her probation, continuance under supervision, or informal supervision. Provides that it is the duty of the officer making the

arrest to take the minor before the court having jurisdiction over the minor for further action. Amends the Probation and Probation Officers Act. Provides that for purposes of that Act only, probation officers shall be considered peace officers (rather than peace officers in the exercise of their official duties). Provides that in the exercise of their official duties, probation officers, sheriffs, and police officers may arrest a probationer who is in violation of the conditions of his or her conditional discharge or supervision as well as in violation of his or her probation.

Amends the Criminal Code of 1961. Exempts from certain unlawful use of weapons provisions, probation officers while in the performance of their duties, or while commuting between their homes, places of employment or specific locations that are part of their assigned duties, with the consent of the chief judge of the circuit for which they are employed. Effective January 1, 2004.

State matters

Public Act 93-0244 (HB 2205)

Amends the Lobbyist Registration Act. Requires that a lobbyist provide a copy of his or her expenditure report to each official listed in it at least 25 days before filing the report (now, at least 25 days before the deadline for filing the report). If an official returns or reimburses a lobbyist's gift or honorarium within 10 days after the official receives a copy of the report listing the official, the lobbyist's final report shall not list the official unless he or she was informed upon receiving the gift or honorarium that it was a reportable expenditure. Effective January 1, 2004.

Public Act 93-0499 (HB 3142)

Creates the Accountability for the Investment of Public Funds Act. Provides that each State agency shall make information available on the Internet concerning the investment of any public funds held by that State agency. Requires the information posted by an agency on the Internet to be updated at least monthly by the 15th of the month. Provides that information required to be posted must include certain information concerning the amount of funds held by the agency, the investment income and yield, asset allocation, and approved institutions, issuers, and broker-dealers. Provides that information shall not be made available if it

is exempt from inspection and copying under the Freedom of Information Act. Effective January 1, 2004.

Public Act 93-0559 (SB 0706)

Amends the Secretary of State Act. Requires the Secretary of State to appoint, with the advice and consent of the Senate, an Inspector General. Allows the Inspector General to conduct investigations and make reports concerning fraud, corruption, mismanagement, gross or aggravated misconduct, or misconduct that may be criminal in nature in the Office of the Secretary of State; subpoena witnesses and evidence necessary to carry out the duties of the Inspector General, within specified limitations; and have direct access to the Secretary of State. Provides that a person who knowingly and intentionally fails to comply with a subpoena issued by the Inspector General is guilty of a Class A misdemeanor. Prohibits reprisals against employees of the Secretary of State who make complaints to or disclose information to the Inspector General. Requires the Secretary of State to adopt rules establishing requirements for investigations. Provides that any employee of the Secretary of State who is subject to investigation or inquiry by the Inspector General concerning misconduct that is criminal in nature must be informed of his or her right to remain silent and to be represented by an attorney or a representative of a labor organization. Amends the Secretary of State Merit Employment Code. Provides requirements for the qualification of certain employees as inspectors. Effective August 20, 2003.

Public Act 93-0561 (SB 1784)

Among other things, amends the Deposit of State Moneys Act, the Public Funds Deposit Act, the State Officers and Employees Money Disposition Act, and the Public Funds Investment Act. Provides that a treasurer or custodian of public funds may accept, as security for public funds deposited into a bank (i) certain securities and (ii) certificates issued by a financial institution with assets of \$15 million (instead of \$30 million) or more. Authorizes a public agency, when depositing public funds, to enter into an agreement with financial institutions requiring that any non-insured funds be collateralized by certain classes of securities. Effective January 1, 2004.

Public Act 93-0586 (SB 1901)

Amends the Executive Reorganization Implementation Act. Supersedes certain provisions of Executive Orders Nos. 2003-9, 2003-10, 2003-11, and 2003-12 relating to the transfer of certain legal and auditing functions and the status of transferred personnel who are under the Personnel Code. Provides that any legal personnel who have been transferred under a superseded provision of Executive Order 2003-10 (and their associated records and property) shall be immediately transferred back to the relevant agency from the Department of Central Management Services. Effective August 22, 2003.

State property

Public Act 93-0513 (HB 0136)

Amends the Illinois Vehicle Code. Provides that no official or employee of the State or any local government and no owner or employee of any new vehicle dealer, used vehicle dealer, or vehicle auctioneer may sell, trade, or otherwise dispose of any vehicle bearing equipment, markings, or other indicia of police authority, unless those indicia have been sufficiently removed to eliminate all appearance of police authority. Provides that any police officer is authorized to seize any vehicle that violates the provision and to impound the vehicle, at the owner's expense, until the indicia of police authority have been removed. Provides that anyone convicted of violating the provision is guilty of a petty offense and subject to a fine of not less than \$500 and not more than \$1,000. Effective January 1, 2004.

Tort immunity

Public Act 93-0011 (SB 0616)

Amends the Local Governmental and Governmental Employees Tort Immunity Act. Provides that no action for damages for injury or death arising out of patient care may be brought against a local entity or public employee more than two years (instead of one year) after the claimant knew or should have known of the injury or death, but in no event more than four years after the act alleged to have caused the injury or death occurred. Applies to pending actions. Effective June 4, 2003.

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