



# THE PUBLIC SERVANT

The newsletter of the Illinois State Bar Association's Standing Committee on Government Lawyers

## Who can waive a FOIA exemption from disclosure—A mayor or police superintendent?

By Patrick T. Driscoll, Jr.

Plaintiff, Michael Dumke, a Chicago journalist, submitted a FOIA request in August 2010 to the superintendent of the Chicago Police Department seeking all records from a 2009 *pro bono* assessment of police operations by A.T. Kearney and the Civil Consulting Alliance.

The FOIA request followed a press conference by then Mayor Richard M. Daley, who discussed reassignment of police officers from administrative duties to patrol duty in the attempt to fight street crimes. Mayor Daley discussed the study and identified the consultants.

After the objection from the Police Superintendent who claimed the request was “unduly burdensome,” plaintiff narrowed the request to the final report of the consultants. The Police Superintendent again denied the request under section 7(1)(f) of FOIA (5 ILCS 140/7(1)(f)). Section 7(1)(f) exempts from public disclosure preliminary drafts, notes and recommendations or policies or actions formulated by a public body except where the record is cited or identified by

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## Military leave for governmental employees

By Paul Thompson

*“Soldiers -- You are about to return to your homes and your friends, after having, as I learn, performed in camp a comparatively short term of duty in this great contest. I am greatly obliged to you, and to all who have come forward at the call of their country.”*

—President Abraham Lincoln,  
Washington, D.C., August 18, 1864:  
Speech to the One Hundred Sixty-Fourth  
Regiment

Attorneys working with personnel offices for public-sector employees may be called upon to address questions regarding military leave for those in their work force who also serve in the military reserve or the National Guard. Over the past decade, public employers have become increasingly familiar with the provisions regarding federal and state re-

employment rights for veterans after a lengthy mobilization and deployment. While the federal Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 USC §§ 4301-4335, does indeed provide overall protection, this article, however, addresses only those types of absences incurred by a “governmental employee” of this State.

Illinois’ public workers have arguably more specific protections for leave requests that may or may not necessarily involve more than a month-long absence. For example, a member of the military reserve or the National Guard is generally scheduled to train one weekend per month and to perform between 14 and 29 annual-training days, during the course of the fiscal year. However, the weekend training can stretch into

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## Who can waive a FOIA exemption from disclosure—A mayor or police superintendent?

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the head of the public body.

Plaintiff filed suit in the Circuit Court of Cook County to contest denial of his FOIA request. The Circuit Court granted the City's motion for summary judgment and denied plaintiff's cross motion for summary judgment. On appeal, the Appellate Court was required to determine whether the Mayor waived the exemption from disclosure under section 7(1)(f) by discussing the study in detail at his press conference.

The City abandoned the argument on appeal that only the Police Superintendent and not the Mayor could waive the exemption under FOIA. The Appellate Court found that issue to be worth addressing because the issue may arise in the future.

The Appellate Court determined that the "head of the public body" in City of Chicago government is the Mayor as Chief Executive of City government. The Police Superinten-

dent is appointed by the Mayor. The Appellate Court also concluded that the Circuit Court erred in granting summary judgment when it found that only the Police Superintendent could waive a FOIA exemption when the FOIA request was made for a document involving police operations.

The Appellate Court focused its opinion on whether the consultant's report was exempt under section 7(1)(f) where it was publicly cited and identified by the "head of the public body." The Court found the report, once publicly cited and identified, was not exempt even if the report was never adopted by the public body.

The Appellate Court went into detail to determine what constitutes public citation and identification. There was no legislative history or authority to determine what amounts to public citation and identification. The Court quoted at length portions

of the Mayor's press conference and subsequent press release in finding that the public statements were sufficient to constitute a waiver of exemption under section 7(1)(f). The Court even noted that the video of the press conference was put on the Mayor's YouTube site.

Lastly, the City argued even if the section 7(1)(f) exemption was waived the case should be remanded to the Circuit Court for an *in camera* inspection of what should be produced. The Appellate Court rejected the argument because the City argued against *in camera* inspection in the Circuit Court. Judicial estoppel bars taking a position on appeal that is contrary to a party's position in the trial court. The Court reversed the trial court's grant of summary judgment in favor of the City and, instead, granted summary judgment in favor of the plaintiff. *Michael Dumke v. City of Chicago* 2013 IL App (1st) 121668. ■

## Military leave for governmental employees

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the civilian work-week, if Friday travel or duty obligations are scheduled for the reservist or guardsperson for an extended weekend assembly period. These extended training or annual training periods then often coincide with the civilian work-week, thus requiring leave for the citizen-soldiers who are also government employees.

In Illinois, the Military Leave of Absence Act, 5 ILCS 325, provides a base point for beginning the discussion with the public employer about additional, enhanced protections for governmental employees. The Act, via Public Act 82-679, became effective on November 12, 1981, and consists primarily of one major provision. Section 1 of the Act, 5 ILCS 325/1, provides:

Any full-time employee of the State of Illinois, a unit of local government, or a school district, other than an independent contractor, who is a member of any reserve component of the United States Armed Forces or of any reserve component of the Illinois State Militia, shall be granted leave from his

or her public employment for any period actively spent in military service, including:

- (1) basic training;
- (2) special or advanced training, whether or not within the State, and whether or not voluntary;
- (3) annual training; and
- (4) any other training or duty required by the United States Armed Forces.

Thus, the Act provides special employment protection specifically for those public-sector employees during any type of voluntary or involuntary military training or duty no matter where the training is located. Although the first three items of the Act's subparts apply particularly to different types of military "training," the fourth item in the list includes an important, omnibus catch-all that also includes "any other training or duty."

Two of the condition precedents for the Act's protections are generally that the employment must be full-time and that the

work cannot be contractual. Additionally, the State law extends this leave protection to not only State employees, but also to employees of units of local government and school districts. This extended outreach of the law, applying to school districts, provides a notable expression of the law's intent to expand governmental coverage to include these referenced districts. Otherwise, Section I of Article VII of the Illinois Constitution, Ill. Const. 1970, art. VII, § 1, and through cross-reference Section 1.28 of the Statute on Statutes, 5 ILCS 70/1.28, both specifically would except school districts from the definitions of "units of local government." Further, Section 1.1 of the Military Leave of Absence Act, 5 ILCS 325/1.1, explicitly preempts home rule authority by stating affirmatively "that a home rule unit may not regulate its employees in a manner that is inconsistent" with this law.

Much like USERRA, this Illinois law further states that during these military leaves of absence, the applicable seniority and other employment-related benefits of the public-sector employee continue to accumulate. In

addition, the law includes important requirements for the governmental employees' pay differentials during these periods of training, as well as for the term of mobilization for active-duty. These types of governmental pay protections under the Illinois law are another example of this provision providing additional protections for the citizen-soldier who is a public employee.

Conformingly, Illinois Attorney General Opinion No. 91-018, issued April 25, 1991, provides that the law applies irrespective of whether the Illinois public employee's military unit is located in Illinois or within another State. In the opinion signed by then Attorney General Roland W. Burris, the Attorney General's Office determined generally that as long as the government employee's civilian job was in Illinois, then the provision still applied when the citizen-soldier traveled across the border periodically for military duty with a National Guard unit in Iowa. As a result, Illinois reservists and guardspersons are endowed with double protection of their military leave through the USERRA and Illi-

nois' Military Leave of Absence Act.

As an enforcement option, the Act provides that contravention of the statute is deemed a civil-rights violation under the Illinois Human Rights Act, 775 ILCS 5. Administrative rules, agency policies or governmental ordinances, among others, may also address military leave for employees. For example, the administrative rules for applicable executive-branch agencies entrench in relevant part of Section 302.220 of the Merit and Fitness provisions, 80 Ill. Adm. Code § 302.220, the military leave and seniority protections generally mirroring the protections of USERRA and the Act.

The cited federal and state provisions mentioned in this short overview are merely a starting point from which to begin your legal research. Please consult the subject law and rules directly for further details on the applicable requirements and obligations generally affecting eligible governmental employers, as well as public employees who are in military service with a reserve or guard component. ■

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ILLINOIS STATE BAR ASSOCIATION

## Legislative summary of the 98th General Assembly

The following is a summary of Public Acts 98-301 through 98-604 that may be of interest to the government bar. A summary of Public Acts 98-001 through 98-300 appeared in the September 2013 issue of the Public Servant, vol. 15, no.1.

Copies of a Public Act may be found on the Illinois General Assembly's website at: <http://www.ilga.gov/legislation/publicacts/default.asp>.

### Aging

**Public Act 98-380, effective August 16, 2013.** Amends the Illinois Act on the Aging. Grants the Department on Aging the power to hold conferences, trainings, and other programs for which the Department shall determine by rule a reasonable fee to cover related administrative costs. Rules to implement the fee authority must be adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules, and any purported rule not so adopted, for whatever reason, is unauthorized. Provides that the purpose of the Long Term Care Ombudsman Program is to ensure that older persons and persons with disabilities receive quality services; that this is accomplished by providing advocacy services for residents of long term care facilities and participants receiving home care and community-based care; that managed care is increasingly becoming the vehicle for delivering health and long-term services and supports to seniors and persons with disabilities, including dual eligible participants; and that the additional ombudsman authority will allow advocacy services to be provided to Illinois participants for the first time and will produce a cost savings for the State of Illinois by supporting the rebalancing efforts of the Patient Protection and Affordable Care Act. Provides that the Long Term Care Ombudsman Program is authorized, subject to sufficient appropriations, to advocate on behalf of older persons and persons with disabilities residing in their own homes or community-based settings, relating to matters which may adversely affect the health, safety, welfare, or rights of such individuals. Expands the definition of the term "access" to mean the right to, subject to permission of the participant or resident requesting services or his or her representative, enter a

home or community-based setting. Defines "community-based setting" to mean any place of abode other than an individual's private home. Defines "participant" to mean an older person or persons with disabilities who are eligible for services under (i) a medical assistance waiver administered by the State or (ii) a managed care organization providing care coordination and other services to seniors and persons with disabilities. Defines "resident" to mean an older individual who resides in a long-term care facility. Re-defines "ombudsman" to mean any designated representative of the State Long Term Care Ombudsman Program (rather than any designated representative of a regional long term care ombudsman program). Provides that administrative rules promulgated by the Department on Aging shall include the responsibility of the Office of State Long Term Care Ombudsman and designated regional programs to investigate and resolve complaints made by or on behalf of "participants residing in their own homes or community-based settings," including the option to serve residents "and participants" under the age of 60, relating to actions, inaction, or decisions of providers, or their representatives, of "such facilities and establishments," (rather than of long term care facilities, of supported living facilities, of assisted living and shared housing establishments) of public agencies, or of social services agencies, which may adversely affect the health, safety, welfare, or rights of such residents "and participants." Deletes language requiring the Department on Aging to cooperate with the Department of Human Services and other State agencies in providing information and training to designated regional long term care ombudsman programs about the appropriate assessment and treatment of residents, children, persons with mental illness (other than Alzheimer's disease and related disorders), and persons with developmental disabilities. Instead provides that such information and training shall concern the appropriate assessment and treatment of participants. Makes other changes. 20 ILCS 105/4.01, 4.04.

**Public Act 98-562, effective August 27, 2013.** Amends the Illinois Power of Attorney Act. Provides that an agent shall provide a copy of certain records required to be kept when requested to do so by the State Guard-

ian or a representative of the public guardian for the county in which the principal resides acting in the course of investigating whether to file a petition for guardianship. Adds public guardians to the list of entities which may be awarded fees, costs, and other relief for failure to provide a requested record or after a finding that the agent's action has caused substantial harm to the principal's person or property. Adds public guardians to the definition of "interested person." 755 ILCS 45/2-7, 2-10.

### Agriculture

**Public Act 98-343, effective August 13, 2013.** Amends the Wheat Development Act. Provides that the Director of the Department of Agriculture shall appoint a temporary wheat development program committee whose members are nominated by an association representing wheat producers. Provides that the total assessment levied on the commodity of any affected producer may be up to 1.5 cents per bushel of wheat produced and sold by the producer as established by the temporary program committee. Provides that a refund owed to the producer shall be payable only if the application has been made to the board within 90 days. 505 ILCS 145/25, 30, 70, 75.

**Public Act 98-344, effective August 13, 2013.** Amends the Illinois Finance Authority Act. Requires that the Illinois Finance Authority must include no fewer than 2 members who have expertise in agribusiness or production agriculture. 20 ILCS 3501/801-15.

**Public Act 98-345, effective August 13, 2013.** Amends the Illinois Egg and Egg Products Act. Provides that the Department of Agriculture shall issue a license to any person upon receipt and approval of a proper application and the required nonrefundable fee. Provides that after finding that a violation has occurred and providing statutory notice, the Director of Agriculture may impose specified administrative monetary penalties against any person who sells or wholesales eggs to any person or business not licensed by the Department of Agriculture who buys, sells, trades, or traffics in eggs in this State. Provides that any person knowingly violating the Act or any rule or order of the Department issued pursuant to the Act shall

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be guilty of a Class C misdemeanor and that each day of violation constitutes a separate offense. Provides that in the event the person violating the Act or any rule or order issued pursuant to the Act is a corporation or partnership, any officer, director, manager, or managerial agent of the corporation or partnership who violates the Act or causes the corporation or partnership to violate the Act is guilty of a Class C misdemeanor. Sets forth provisions concerning the failure to pay any fine or fee and the termination of an application. 410 ILCS 615/9, 16.5, 16.6, 16.7, 16.9.

## Animals

**Public Act 98-367, effective August 16, 2013.** Amends the Illinois Domestic Animals Running At Large Act. Defines "livestock" to include camelids, ratites, or fowl. Provides that animal control administrators and animal control officers may also give notice and cause stray animals which trespass to be impounded. Provides that if an owner refuses or fails to restrain, or the impounded animals are not claimed, the animals shall be sold, offered for adoption, or humanely euthanized. Provides that before any livestock can be sold, offered for adoption, or humanely euthanized, the person requesting the impoundment shall have published notice of the intended sale, adoption, or euthanization. Provides that if the livestock is not claimed within 10 days after the date of publication of the notice, then the livestock may be sold, adopted, or euthanized. Provides that if the lien and costs of the associated sale of the livestock is determined to exceed the expected value of the animal, then the animal may be deemed adoptable by the animal control facility and may be offered for adoption, and if no such placement is available, then the animal may be humanely euthanized. 510 ILCS 55/1.1, 1.2, 3.1.

**Public Act 98-368, effective August 16, 2013.** Amends the Wildlife Code. Requires the youth-only deer hunting season set by the Director of Natural Resources between the dates of September 1 and October 31 to be 3 days rather than 2 days long. 520 ILCS 5/2.25.

**Public Act 98-509, effective January 1, 2014.** Amends the Animal Welfare Act. Provides that if there is an outbreak of distemper, parvovirus, or any other contagious and potentially life-threatening disease, the pet shop operator shall notify the Illinois De-

partment of Agriculture immediately upon becoming aware of the disease. Provides certain remedies to a customer who purchased a dog or cat that possesses or has died from certain diseases, illnesses, or congenital or hereditary conditions that adversely affect the health of the dog or cat. Provides requirements for the granting of those remedies. Provides a procedure for a pet shop to contest the remedy. Provides that, prior to the time of sale, every pet shop operator must, to the best of his or her knowledge, provide to the consumer a copy of the pet shop's policy regarding warranties, refunds, or returns and an explanation of the remedy provided for customers that have purchased animals with congenital or hereditary disorders. Provides that customers who purchased a dog or cat from a pet shop are entitled to a remedy if, within 21 days after the date of sale, a licensed veterinarian states in writing that at the time of sale the dog or cat was unfit for purchase due to illness or disease, the presence of symptoms of a contagious or infectious disease, or obvious signs of severe parasitism that are extreme enough to influence the general health of the animal, excluding fleas or ticks. Provides that when a customer is entitled to a remedy under the Act, the customer may retain the animal and be reimbursed for reasonable veterinary fees for diagnosis and treatment of the animal, not to exceed the purchase price of the animal (previously, not to exceed 2 times the purchase price of the animal). Provides that, if a pet shop offers its own warranty, a customer may choose to waive the remedy provided in the Act and elect instead the protection from the pet shop's warranty. Provides that if a customer waives the remedy provided by the Act, then the customer's sole remedy is that provided by the pet shop's warranty. 225 ILCS 605/3.15.

**Public Act 98-593, effective November 15, 2013.** Amends the Animal Welfare Act. Limits the remedy available to a customer who purchases an unfit dog or cat that subsequently dies. Provides that the customer may be reimbursed for the full purchase price of the dog or cat plus reasonable veterinary fees associated with the diagnosis and treatment of the dog or cat, not to exceed one times (rather than 2 times) the purchase price of the dog or cat. 225 ILCS 605/3.15.

## Attorneys

**Public Act 98-324, effective October**

**1, 2013.** Amends the Appellate Court Act and the Clerks of Courts Act. Provides that the amount of certain court fees may be set by Supreme Court rule, except that the fee amounts shall remain as set by statute until the Supreme Court adopts rules specifying a higher or lower fee amount. Creates the Supreme Court Special Purposes Fund, a special fund in the State treasury. Provides that court fees collected under the new provisions shall be deposited into the Supreme Court Special Purposes Fund and used by the Supreme Court and the appellate courts for costs associated with electronic filing and case management systems and the operation of committees and commissions established by the Supreme Court. Amends the Professional Service Corporation Act, the Limited Liability Company Act, and the Professional Association Act. Provides that certificate of registration fees collected in connection with the practice of law may be set by Supreme Court rule, except that the fee amounts shall remain as set by statute until the Supreme Court adopts rules specifying a higher or lower fee amount. 30 ILCS 105/5.826; 705 ILCS 25/3; 705 ILCS 105/28, 29; 805 ILCS 10/12; 805 ILCS 180/50-45; 805 ILCS 305/10.

**Public Act 98-351, effective August 15, 2013.** Creates the Access to Justice Act. Encourages the Supreme Court to develop: (i) a pilot program to create a statewide military personnel and veterans' legal assistance hotline and coordinated network of legal support resources; and (ii) a pilot program to provide court-based legal assistance within a circuit court in each appellate district of this State. Adds provisions governing the funding, administration, and evaluation of the pilot programs. Creates the Access to Justice Fund in the State treasury and makes a corresponding change in the State Finance Act. Provides that no moneys distributed from the Access to Justice Fund may be directly or indirectly used for lobbying activities, as defined in the Lobbyist Registration Act or as defined in any ordinance or resolution of a municipality, county, or other unit of local government in Illinois. Creates the Statutory Court Fee Task Force to conduct a thorough review of the various statutory fees imposed or assessed on criminal defendants and civil plaintiffs and adds provisions concerning the administration and duties of the Task Force. Makes a corresponding change in the Clerks

of Courts Act. Provides that the changes made in the Section concerning representation by a civil legal services provider apply: (i) to all actions commenced on or after July 1, 2013; and (ii) to actions pending on or after the effective date of the Act, but only with respect to fees and costs that become due in those actions after July 1, 2013. Amends the Counties Code. Provides that county law library facilities may include self-help centers and other legal assistance programs for the public as part of the services it provides on-site and online, the expense of which shall be borne by the county. Amends the Code of Civil Procedure. Changes the definition of "civil legal services provider," "eligible client," and "indigent person" and defines "court-sponsored pro bono program" as a pro bono program established by or in partnership with a court in this State for the purpose of providing free civil legal services by an organized panel of pro bono attorneys. Makes a provision regarding the waiver of fees and costs relating to filing, appearing, transcripts on appeal, and service of process applicable to representation by attorneys in court-sponsored pro bono programs. Further amends the Counties Code. Provides that no moneys distributed from the County Law Library Fund may be directly or indirectly used for lobbying activities, as defined in the Lobbyist Registration Act or as defined in any ordinance or resolution of a municipality, county, or other unit of local government in Illinois. 55 ILCS 5/5-39001; 705 ILCS 105/27.3g; 735 ILCS 5/5-105.5.

### Business Transactions

**Public Act 98-498, effective January 1, 2014.** Amends the Uniform Commercial Code. Provides that the Funds Transfers Article of the Code applies to certain funds transfers that are remittance transfers under the federal Electronic Fund Transfer Act. Provides that the federal Electronic Fund Transfer Act controls in the event of an inconsistency between that Act and the Funds Transfer Article of the Uniform Commercial Code. 810 ILCS 5/4A-108.

### Code of Civil Procedure

**Public Act 98-417, effective January 1, 2014.** Amends the Code of Civil Procedure. Provides that the requirements or limitations of the Section concerning body attachment orders do not apply to the enforcement of any order or judgment for child support. 735 ILCS 5/12-107.5.

**Public Act 98-514, effective November 19, 2013.** Amends the Code of Civil Procedure. Provides that in the case of a foreclosure, the landlord may terminate a tenancy established prior to the confirmation of sale only at the end of the term of the lease agreement by no less than 90 days' written notice or in the case of a month to month or week to week tenancy, by 90 days' written notice. Provides that a deficiency judgment may not be sought or entered against a deceased mortgagor. Provides that the entry of a judgment of foreclosure shall not terminate or otherwise affect the rights or interest of any occupant of a dwelling unit who has a lease or tenancy resulting from an arm's length transaction and who is not the mortgagor, whether or not the occupant has been made a party in the foreclosure. Provides that the holder of the certificate of sale, the holder of the deed issued pursuant to that certificate, or, if no certificate or deed was issued, the purchaser at the sale shall: (i) assume the lease or tenancy of the mortgaged real estate resulting from an arm's length transaction entered into prior to the confirmation of sale; (ii) assume any federal, state, or local housing subsidy contract for the dwelling unit for the duration of the contract or the assumed lease, whichever is shorter; (iii) assume his or her interest in the mortgaged real estate subject to the rights of any occupant; and (iv) not terminate the occupancy or any occupant's tenancy except as otherwise provided in the Code. 735 ILCS 5/9-121, 9-205, 9-207, 9-207.5, 15-1224, 15-1225, 15-1501, 15-1506, 15-1508, 15-1508.5, 15-1701, 15-1703, 15-1704.

**Public Act 98-548, effective January 1, 2014.** Amends the Civil Practice Law of the Code of Civil Procedure. Provides that in any personal injury, property damage, wrongful death, or tort action involving a claim for money damages, a release must be tendered by the settling defendant to the plaintiff within 14 days of an agreement to the settlement, and in cases where the law requires court approval of the settlement, the plaintiff shall tender to the defendant a copy of the court order approving the settlement. Provides that the plaintiff may also timely tender to the settling defendant certain documentation relating to known third-party claimants or subrogation interests (including attorney's liens, healthcare provider liens, or rights of recovery claimed by Medicare, the

Centers for Medicare and Medicaid Services, the Illinois Department of Healthcare and Family Services, or private health insurance companies). Provides that a settling defendant shall pay all sums due to a plaintiff within 21 days of tender by the plaintiff to the settling defendant of all required documentation, and provides that upon failure to pay, judgment shall be entered against that defendant for the amount set forth in the executed release, plus costs incurred in obtaining the judgment and interest calculated from the date of the tender by the plaintiff to the defendant of the required documentation. Provides that the new provisions apply to all civil actions involving a claim for money damages, with exceptions. Provides that the bill does not apply to the State, "State agencies," as defined in the Illinois State Auditing Act, State officers or employees when sued in their official capacity, or to persons or entities represented by the Attorney General and provided indemnification under the State Employee Indemnification Act, units of local government, and class action lawsuits. Allows parties to a settlement to agree to the method of documentation of a lien resolution. 735 ILCS 5/2-2301 et seq.

**Public Act 98-557, effective January 1, 2014.** Amends the Code of Civil Procedure. Provides that the court in a supplementary proceeding may enter any order upon or judgment against the respondent cited that could be entered in any garnishment proceeding and provides that the new provision shall be construed as being declarative of existing law and not as a new enactment. Provides that if a judgment becomes dormant during the pendency of an enforcement proceeding against wages (instead of simply an enforcement proceeding) under certain provisions of the Code of Civil Procedure, the enforcement may continue to conclusion without revival of the underlying judgment so long as the enforcement is done under court supervision and includes a wage deduction order (instead of a payment or withholding) or turn over order, and adds that the enforcement must be against an employer, garnishee, or other third party respondent. Makes other changes. 735 ILCS 5/2-1402, 2-1602, 12-101, 12-705.

### Consumer Matters

**Public Act 98-415, effective August 16, 2013.** Amends the Electronic Fund Transfer Act. Removes the requirement for a person

operating a terminal for a financial institution to disclose surcharges for usage of the terminal by a sign on the terminal. 205 ILCS 616/50.

**Public Act 98-428, effective August 16, 2013.** Amends the Renter's Financial Responsibility and Protection Act. Provides that beginning January 1, 2014, the amount that a rental company may charge for a collision damage waiver shall increase to \$13.50 per day. 625 ILCS 27/15.

**Public Act 98-458, effective August 16, 2013.** Amends the Internet Dating Safety Act and the Consumer Fraud and Deceptive Business Practices Act. Expands the scope of the Internet Dating Safety Act to cover Internet child care services, Internet senior care services, and Internet home care services. Changes the short title of the Internet Dating Safety Act to the Internet Dating, Internet Child Care, Internet Senior Care, and Internet Home Care Safety Act. 815 ILCS 505/2PPP; 815 ILCS 518/1et seq.

**Public Act 98-486, effective January 1, 2014.** Amends the Consumer Fraud and Deceptive Business Practices Act. Provides that a guardian of a disabled person appointed under the Guardians for Disabled Adults Article of the Probate Act of 1975 or the holder of a power of attorney that complies with the Illinois Power of Attorney Act and a parent or guardian of a minor appointed under the Minor Article of the Probate Act of 1975 or the Juvenile Court Act of 1987 may request that a security freeze be placed on the credit report of certain youth and may request that a consumer reporting agency place a security freeze on the credit report of the disabled person or minor by sending a request to the consumer reporting agency. Authorizes a consumer reporting agency to require proper identification and documentation of authority from the person making the request. Provides that a security freeze relating to a minor may not be temporarily lifted. Defines terms. 815 ILCS 505/2MM.

**Public Act 98-495, effective August 16, 2013.** Amends the Uniform Disposition of Unclaimed Property Act. Requires the State Treasurer to collect certain information concerning each person appearing to be the owner of any presumed abandoned property of the value of \$5 (instead of \$25) or more.

765 ILCS 1025/11.

**Public Act 98-545, effective January 1, 2014.** Amends the Electronic Fund Transfer Act. Provides that a person who sells or issues general use reloadable cards shall disclose, prior to sale or issuance of the card, any fees imposed by the issuer. Provides certain requirements for the disclosures. Defines "card" to mean a general use reloadable card. Makes other changes. 205 ILCS 616/10, 46.

**Public Act 98-546, effective August 26, 2013.** Amends the Automatic Telephone Dialers Act and the Restricted Call Registry Act. Provides that a consumer is entitled to statutory damages of \$500 for each violation of the Act. Requires persons who make calls to communicate a commercial message subject to those Acts to maintain records of calls made and documentation supporting any exemption claimed under the Acts. Provides that records of commercial messages need be kept only for 24 months. Limits enforcement actions by subscribers to only residential subscribers. Limits the period within which to bring an enforcement action to one year from when the subscriber knew or should have known of the violation or one year after the termination of certain other enforcement actions arising out of the same violation. 815 ILCS 305/22, 30; 815 ILCS 402/45, 50.

**Public Act 98-555, effective January 1, 2014.** Amends the Consumer Fraud and Deceptive Business Practices Act. Provides that it is an unlawful practice for any person engaged in publishing or otherwise disseminating criminal record information through a print or electronic medium to solicit or accept the payment of a fee or other consideration to remove, correct, or modify said criminal record information. Defines "criminal record information." Amends the State Records Act and the Local Records Act. Makes conforming changes. 5 ILCS 160/4a; 50 ILCS 205/3b; 815 ILCS 505/2QQQ.

**Counties**

**Public Act 98-311, effective January 1, 2014.** Amends the Illinois Police Training Act. Provides for a training program in animal fighting awareness and humane response for law enforcement officers. Provides that the purpose of the training is to equip law enforcement officers to identify animal fighting operations and respond appropriately.

50 ILCS 705/10.14.

**Public Act 98-312, effective August 12, 2013.** Amends the Counties Code. Provides that it shall be lawful for the county board to appropriate funds to maintain a memorial within the county. 55 ILCS 5/5-26005.

**Public Act 98-313, effective August 12, 2013.** Amends the Counties Code. Authorizes Winnebago County by ordinance to impose, with the consent of the municipalities representing 67% of the population of Winnebago County, hotel operators' occupation tax at a rate not to exceed 2% of the gross rental receipts from the renting, leasing, or letting. Sets forth requirements concerning the use of any revenues from the tax proceeds. Creates a Tourism Facility Board with weighted voting rights; requires the Board to meet not less than once per year to direct the use of revenues from the tax. Provides that any sports, arts, or entertainment facilities that receive revenue from certain taxes shall be considered to be public works within the meaning of the Prevailing Wage Act, and the county authorities responsible for the construction, renovation, modification, or alteration of the sports, arts, or entertainment facilities shall enter into project labor agreements with labor organizations. 55 ILCS 5/5-1030, 5-1134.

**Public Act 98-331, effective August 13, 2013.** Amends the Counties Code. Allows the county board to impose an additional fee of \$10 to \$30 on convictions and grants of supervision for felonies, misdemeanors, petty offenses, and business offenses, to be used to support Court Appointed Special Advocate services. 55 ILCS 5/5-1101.

**Public Act 98-335, effective August 13, 2013.** Amends the Counties Code. Provides that DuPage and Peoria counties may adopt a schedule of fees applicable to real property that benefits from the county's stormwater management facilities and activities. Sets forth the circumstances under which a fee schedule may be adopted and the uses for the fees. Provides that any proposed fee schedule must be approved by a referendum in Peoria County before it can be imposed. Provides that the county shall provide notice to municipalities within its jurisdiction of any fees proposed and seek the input of each municipality with respect to the calcu-



lation of the fees. Provides that the county shall give land owners at least 2 years' notice before imposing the fee, during which time the county shall provide education on green infrastructure practices and an opportunity to take action to reduce or eliminate the fee. Further provides that a fee waiver shall be included for property owners who have taken actions or put in place facilities that are approved by the county that reduce or eliminate the cost of managing runoff. Provides that the county may enter into intergovernmental agreements with other bodies of government for the joint administration of stormwater management and collection of the fees. 55 ILCS 5/5-1062.3.

**Public Act 98-340, effective January 1, 2014.** Amends the Counties Code. Provides that all autopsies conducted in this State shall include an inquiry to determine whether the death was a direct result of a seizure or epilepsy. If the findings in an autopsy are consistent with known or suspected sudden, unexpected death in epilepsy (SUDEP), then the medical examiner, examining physician, or coroner shall: (1) cause to be indicated on the death certificate that SUDEP is the cause or suspected cause of death; and (2) forward a copy of the death certificate to the North American SUDEP Registry at the Langone Medical Center at New York University within 30 days. Defines "sudden, unexpected death in epilepsy." Provides that the amendatory Act may be referred to as the Danny Stanton Act. 55 ILCS 5/3-3016.5.

**Public Act 98-351, effective August 15, 2013.** Amends the Counties Code. Provides that county law library facilities may include self-help centers and other legal assistance programs for the public as part of the services it provides on-site and online, the expense of which shall be borne by the county. Amends the Code of Civil Procedure. Changes the definition of "civil legal services provider," "eligible client," and "indigent person" and defines "court-sponsored pro bono program" as a pro bono program established by or in partnership with a court in this State for the purpose of providing free civil legal services by an organized panel of pro bono attorneys. Makes a provision regarding the waiver of fees and costs relating to filing, appearing, transcripts on appeal, and service of process applicable to representation by attorneys in court-sponsored pro bono pro-

grams. Further amends the Counties Code. Provides that no moneys distributed from the County Law Library Fund may be directly or indirectly used for lobbying activities, as defined in the Lobbyist Registration Act or as defined in any ordinance or resolution of a municipality, county, or other unit of local government in Illinois. Makes a corresponding change in the Clerks of Courts Act. Provides that the changes made in the Section concerning representation by a civil legal services provider apply: (i) to all actions commenced on or after July 1, 2013; and (ii) to actions pending on or after the effective date of the Act, but only with respect to fees and costs that become due in those actions after July 1, 2013. 55 ILCS 5/5-39001; 705 ILCS 105/27.3g; 735 ILCS 5/5-105.5.

**Public Act 98-358, effective January 1, 2014.** Amends the Illinois Police Training Act. Requires police training in the use of electronic control devices, including the psychological and physiological effects of the use of those devices on humans. Provides that beginning January 1, 2014 and ending December 31, 2015, the Illinois Law Enforcement Training Standards Board shall randomly inspect police departments of units of local government and university police departments concerning the use of electronic control devices by law enforcement officers of the departments to determine whether the officers received appropriate training in their use. Provides that the Board shall compile the information from the random inspections and analyze the results. Provides that based on the analysis, the Board shall issue a report and present its report and findings to the Governor and General Assembly on or before June 30, 2016. Provides that the Board in its report may recommend legislation concerning the use of electronic control devices by law enforcement officers and the training of law enforcement officers in the use of those devices. Provides that these provisions are repealed on July 1, 2016. 50 ILCS 705/10.14.

**Public Act 98-375, effective August 16, 2014.** Amends the Clerks of Courts Act. Provides that certain fees imposed for automated record keeping shall be paid by the defendant upon a judgment of guilty or grant of supervision for a violation (instead of "conservation violation") under certain Acts. 705 ILCS 105/27.3a.

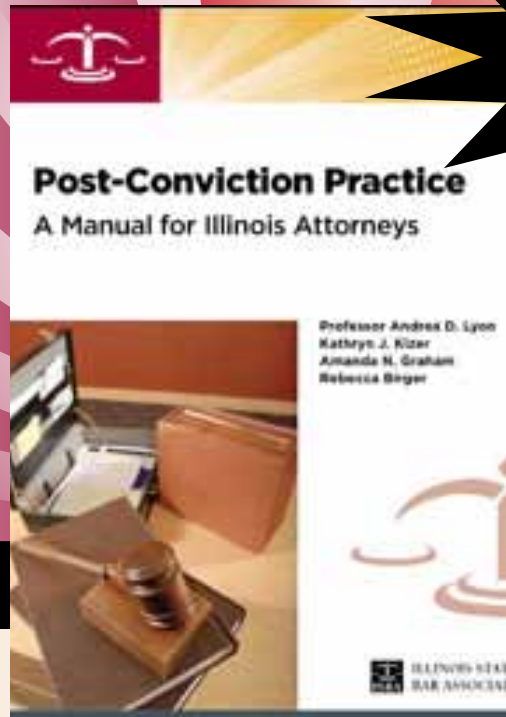
**Public Act 98-404, effective January 1, 2014.** Amends the Illinois Power Agency Act. Provides that any county board that seeks to submit a referendum to its residents to determine whether or not an aggregation program shall operate as an opt-out program for residential and small commercial retail customers shall do so only in unincorporated areas of the county where no electric aggregation ordinance has been adopted. 20 ILCS 3855/1-92.

**Public Act 98-419, effective August 16, 2013.** Amends the Counties Code. Requires the annual budget to contain a detailed statement showing bonuses or increase in salary, wage, stipend, or other form of compensation that is not subject to a collective bargaining agreement for every agency, department, or any other entity receiving an appropriation from the county, regardless of whether the employee receiving them is part of a collective bargaining unit. 55 ILCS 5/6-1002.

**Public Act 98-420, effective August 16, 2013.** Amends the Local Government Professional Services Selection Act. Provides that whenever a project requiring architectural, engineering, or land surveying services is proposed for a political subdivision, the political subdivision shall mail or e-mail a notice requesting a statement of interest. Further provides that the political subdivision shall place an advertisement for those professional services on its website requesting a statement of interest, include a description of each project, and state the time and place for interested firms to submit its letter of interest, statement of qualifications, and performance data, as required. 50 ILCS 510/4.

**Public Act 98-434, effective January 1, 2014.** Amends the Illinois Power Agency Act. Provides that a municipality or other aggregator of electrical load has the authority to require disclosure of the fuel type, rather than the source, of the electricity being procured or generated on behalf of the aggregation program customers. Provides that the corporate authorities may consider the proposed source of electricity to be procured or generated to be put into the grid on behalf of aggregation program customers in the bidding process. Provides that the Agency and the Commission may collaborate to is-

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sue joint guidance on voluntary uniform standards for bidder disclosures of sources of electricity. 20 ILCS 3855/1-92.

**Public Act 98-454, effective August 16, 2013.** Amends the Illinois Highway Code. Provides that certification of a tax levy approved by a majority of ballots at election may be certified by the township board of trustees, the highway board of trustees, or the highway commissioner in a county not under township organization at any time after the election. 605 ILCS 5/6-602.

**Public Act 98-457, effective August 16, 2013.** Amends the State Officials and Employees Ethics Act. Provides that, in addition to any other requirements of law, any member of a governmental entity appointed by the president or chairperson of the county board, with or without the advice and consent of the county board, shall abide by the ethics laws applicable to, and the ethics policies of, that county and, if applicable, shall be subject to the jurisdiction of that county's ethics officer or inspector general. 5 ILCS430/70-20.

**Public Act 98-481, effective August 16, 2013.** Amends the Emergency Telephone System Act. Provides that appointed members of the Emergency Telephone System Board shall serve staggered 3-year terms (now, 4-year terms) if: (1) the Board serves a county with a population of 100,000 or less; and (2) appointments, on the effective date of this amendatory Act of the 98th General Assembly, are not for a stated term. Provides that one-third of board members' terms shall expire on January 1, 2015, one-third of board members' terms shall expire on January 1, 2016, and remaining board members' terms shall expire on January 1, 2017 (now, 2015, 2017, and 2019 respectively). Adds a provision that allows Board members to be removed for official misconduct. 50 ILCS 750/15.4.

**Public Act 98-525, effective August 13, 2013.** Amends the Counties Code. Provides that the county board of a county may borrow money for any corporate purpose from a bank or other financial institution provided that the money shall be repaid within 2 years. Sets forth requirements concerning the documentation of the loan. Prohibits the indebtedness incurred, when aggregated with the

existing indebtedness of the county, from exceeding the debt limitation otherwise provided for by law. Defines "financial institution." 55 ILCS 5/5-1134.

### Crime Victims

**Public Act 98-435, effective January 1, 2014.** Amends the Crime Victims Compensation Act. Changes the definition of "pecuniary loss" to include costs associated with trafficking tattoo removal by a person authorized or licensed to perform the specific removal procedure. Defines "trafficking tattoo," as a tattoo which is applied to a victim in connection with the commission of a violation of the Section of the Criminal Code of 2012 concerning trafficking in persons. Provides that a trafficking victim is entitled to reimbursement for the cost of removal of a trafficking tattoo if he or she files an affidavit on a form prescribed by the Attorney General attesting that the removed tattoo was applied in connection with the commission of human trafficking.

### Criminal Law

**Public Act 98-315, effective January 1, 2014.** Amends the Criminal Code of 2012. Provides for enhanced penalties for criminal damage to property and criminal defacement of property if the property damaged or defaced memorializes or honors an individual or group of police officers, fire fighters, members of the United States Armed Forces, National Guard, or veterans. 720 ILCS 5/21-1, 21-1.3.

**Public Act 98-352, effective January 1, 2014.** Amends the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, the Retailers' Occupation Tax Act. Provides that a person who knowingly sells, purchases, installs, transfers, possesses, uses, or accesses any automated sales device, zipper, or phantom-ware for use in an electronic cash register or other point-of-sale system in this State is guilty of a Class 3 felony. 35 ILCS 105/14; 35 ILCS 110/15; 35 ILCS 115/15; 35 ILCS 120/13.

**Public Act 98-354, effective August 16, 2013.** Amends the Public Assistance Fraud Article of the Illinois Public Aid Code. Provides that (i) any person who knowingly obtains unauthorized medical benefits or causes to be obtained unauthorized medical benefits (rather than knowingly obtains unauthorized medical benefits) with or

without use of a medical card; (ii) any vendor that knowingly assists a person in committing specified violations concerning the unauthorized use of a medical card or the unauthorized use of medical benefits with or without a medical card commits medical assistance fraud; or (iii) any person (including a vendor, organization, agency, or other entity) that, in any matter related to the medical assistance program, knowingly or willfully falsifies, conceals, or omits by any trick, scheme, artifice, or device a material fact, or makes any false, fictitious, or fraudulent statement or representation, or makes or uses any false writing or document, knowing the same to contain any false, fictitious, or fraudulent statement or entry in connection with the provision of health care or related services commits medical assistance fraud. Provides that the term "knowledge" has the meaning ascribed to that term in the Criminal Code of 2012 when used in the context of certain violations of medical assistance fraud. Sets forth conduct that constitutes managed health care fraud. Enhances the criminal penalty, from a Class A misdemeanor to a Class 4 felony, for any person, firm, corporation, association, agency, institution, or other legal entity that, in any matter related to a State or federally funded or mandated health plan, knowingly and willfully makes a false statement in connection with the provision of health care or related services. 305 ILCS 5/8A-2.5, 8A-13, 8A-15.

**Public Act 98-359, effective January 1, 2014.** Amends the Unified Code of Corrections relating to the additional child pornography fine. Provides that if Department of State Police officers investigated the case that gave rise to the conviction of the defendant for child pornography, the additional fine shall be remitted by the circuit clerk within one month after receipt to the Department of State Police for deposit into the State Crime Laboratory Fund. When the Department of State Police provides digital or electronic forensic examination assistance, or both, to another law enforcement agency which investigated the case that gave rise to the conviction of the defendant for child pornography, \$100 of the additional fine shall be remitted by the circuit clerk within one month after receipt to the Department of State Police for deposit into the State Crime Laboratory Fund. 730 ILCS 5/5-9-1.14.

**Public Act 98-369, effective January 1,**

**2014.** Amends the Criminal Code of 2012. Provides that a person commits aggravated battery when, in committing a battery, other than by discharge of a firearm, he or she knows the individual battered to be a nurse while in the performance of his or her duties as a nurse. Provides that a violation is a Class 3 felony. 720 ILCS 5/12-3.05.

**Public Act 98-370, effective January 1, 2014.** Amends the Criminal Code of 2012. Changes the definition of "sexual penetration." Creates the offense of failure to report sexual abuse of a child. Provides that a person over the age of 18 commits failure to report sexual abuse of a child when he or she personally observes sexual abuse between a person who he or she knows is over the age of 18 and a person he or she knows is a child, and knowingly fails to report the sexual abuse to law enforcement. Provides that a person who commits failure to report sexual abuse of a child is guilty of a Class A misdemeanor for the first violation and a Class 4 felony for a second or subsequent violation. Defines "sexual abuse." Provides exceptions. Further amends the Criminal Code of 2012. In the predatory criminal sexual assault of a child statute includes an act of contact, however slight, between the sex organ or anus of one person and the part of the body of another and the accused is 17 years or older and the victim is under 13 years of age. 720 ILCS 5/11-1.40, 11-9.1B.

**Public Act 98-371, effective August 16, 2013.** Amends the Methamphetamine Precursor Control Act. Defines "procure." Provides that a person shall not knowingly procure a targeted methamphetamine precursor for a third party for the purpose of evading this Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act. Provides that any person who knowingly procures a targeted methamphetamine precursor for a third party for the purpose of evading the Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act is guilty of a Class A misdemeanor for the first conviction, and a Class 4 felony for a second or subsequent conviction. 720 ILCS 648/10, 20, 40.

**Public Act 98-372, effective January 1, 2014.** Amends the Rights of Crime Victims and Witnesses Act to provide that the office

of the State's Attorney shall inform the victim of: (1) the victim's right to make a victim impact statement at the sentencing hearing; (2) the right of the victim's spouse, guardian, parent, grandparent and other immediate family and household members to present an impact statement at sentencing; and (3) if a presentence report is to be prepared, the right of the victim's spouse, guardian, parent, grandparent and other immediate family and household to submit information to the preparer of the presentence report about the effect the offense has had on the victim and the person. Amends the Unified Code of Corrections. Provides that in felony cases, the presentence report shall set forth information provided by the victim's spouse, guardian, parent, grandparent, and other immediate family and household members about the effect the offense committed has had on the victim and on the person providing the information; if the victim's spouse, guardian, parent, grandparent, or other immediate family or household member has provided a written statement, the statement shall be attached to the report. 720 ILCS 120/4.5; 730 ILCS 5/5-3-2.

**Public Act 98-373, effective January 1, 2014.** Amends the Unified Code of Corrections. Provides that in the case of a delinquent fine, fee, cost, restitution, or judgment of bond forfeiture or installment of the fine, fee, cost, restitution, or judgment of bond forfeiture, an additional fee covering each taxable court cost including, without limitation, costs of service of process shall be charged to the offender for any amount of the fine, fee, cost, restitution, or judgment of bond forfeiture or installment of the fine, fee, cost, restitution, or judgment of bond forfeiture that remains unpaid after the time fixed for payment of the fine, fee, cost, restitution, or judgment of bond forfeiture by the court. 730 ILCS 5/5-9-3.

**Public Act 98-379, effective January 1, 2014.** Amends the Criminal Code of 2012. Provides that when the victim is under 18 years of age at the time of the offense, a prosecution for criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual abuse, or felony criminal sexual abuse may be commenced at any time when corroborating physical evidence is available or an individual who is required to report an

alleged or suspected commission of any of these offenses under the Abused and Neglected Child Reporting Act fails to do so. 720 ILCS 5/3-6.

**Public Act 98-381, effective January 1, 2014.** Amends the Criminal Code of 2012. Provides that a person or entity in the State may not use an electronic tracking device to determine the location or movement of a person. Defines "electronic tracking device," "State agency," "telematics," and "vehicle." Exempts from the new provisions: (1) situations where the registered owner, lessor, or lessee of a vehicle has consented to the use of the electronic tracking device; (2) the lawful use of an electronic tracking device by a law enforcement agency; (3) when the vehicle is owned or leased by a business that is authorized to transact business in the State and the tracking device is used by the business for the purpose of tracking vehicles driven by employees of that business, its affiliates, or contractors of that business or its affiliates; (4) when the vehicle is under the control of a State agency and the electronic tracking device is used by the agency or the Inspector General with jurisdiction over that agency for the purpose of tracking vehicles driven by employees or contractors of that State agency; or (5) telematic services that were installed by the manufacturer, or installed by or with the consent of the owner or lessee of the vehicle and to which the owner or lessee has subscribed. Provides that consent by the owner or lessee of the vehicle constitutes consent for any other driver or passenger of that vehicle. Provides that a violation of the new provisions is a Class A misdemeanor. 720 ILCS 5/21-2.5.

**Public Act 98-385, effective January 1, 2014.** Amends the Criminal Code of 2012. Provides that a person commits aggravated assault or aggravated battery when he or she, in committing the assault or battery, knowingly video or audio records the offense with the intent to disseminate the recording. Provides that an aggravated assault committed by a person who in committing the assault knowingly video or audio records the offense with the intent to disseminate the recording is a Class A misdemeanor. Amends the Unified Code of Corrections. Provides that the court may impose an extended term sentence when a defendant commits any felony and the defendant knowingly video

or audio records the offense with the intent to disseminate the recording. 720 ILCS 5/12-2, 12-3.05; 730 ILCS 5/5-5-3.2.

**Public Act 98-393, effective August 16, 2013.** Amends the Criminal Code of 2012. Creates the offense of failure to report hazing. Provides that a school official commits failure to report hazing when: (1) while fulfilling his or her official responsibilities as a school official, he or she personally observes an act which is not sanctioned or authorized by that educational institution; (2) the act results in bodily harm to any person; and (3) the school official knowingly fails to report the act to supervising educational authorities or, in the event of death or great bodily harm, to law enforcement. Provides that failure to report hazing is a Class B misdemeanor. Provides that if the act which the person failed to report resulted in death or great bodily harm, the offense is a Class A misdemeanor. Establishes an affirmative defense. Provides that nothing in this provision shall be construed to allow prosecution of a person who personally observes the act of hazing and assists with an investigation and any subsequent prosecution of the offender. 720 ILCS 5/12c-50.1.

**Public Act 98-399, effective August 16, 2013.** Amends the Criminal Identification Act and the Unified Code of Corrections. Provides that upon a petition by a person who has been convicted of a Class 3 or Class 4 felony and who then thereafter served in the United States Armed Forces or in the National Guard of this or another state and received an honorable discharge from the Armed Forces or National Guard or is enlisted in the United States Armed Forces or National Guard of this or any other state and served one tour of duty, the Prisoner Review Board shall hear, by at least 3 members and, with the unanimous vote of a panel of 3 members, issue a certificate of eligibility for expungement recommending that the court order the expungement of all official records of the arresting authority, the circuit court clerk, and the Department of State Police concerning the arrest and conviction for the Class 3 or 4 felony. Excludes a person convicted of a sex offense, crime of violence, or firearm offense. Provides that if a person has applied to the Board for a certificate of eligibility for expungement and the Board denies the certificate, the person must wait at least 4

years before filing again or filing for a pardon with authorization for expungement from the Governor unless the Governor or Chairman of the Prisoner Review Board grants a waiver. Provides that the circuit court clerk shall promptly serve a copy of the documentation to support the petition for a certificate of eligibility for expungement or sealing or a pardon by the Governor which specifically authorizes expungement on the State's Attorney or prosecutor charged with the duty of prosecuting the offense, the Department of State Police, the arresting agency and the chief legal officer of the unit of local government effecting the arrest. 20 ILCS 2630/5.2, 13; 730 ILCS 5/3-3-2.

**Public Act 98-402, effective August 16, 2013.** Amends the Criminal Code of 2012 concerning hunter or fisherman interference. Provides that it is a Class A misdemeanor to use a drone in a way that interferes with another person's lawful taking of wildlife or aquatic life. Provides that a court may enjoin the activity causing the interference and award all resulting costs and damages, including punitive damages, to any person adversely affected by the conduct. Defines "drone." Amends the Fish and Aquatic Life Code and the Wildlife Code. Provides that whenever a license or permit is issued to any person under the Fish and Aquatic Life Code or the Wildlife Code, and the holder of that license or permit is found guilty of a violation of the hunter or fisherman interference statute, the Department of Natural Resources may refuse to issue any permit or license to that person or if the person has a license or permit revoke that license or permit, and suspend that person from engaging in the activity requiring the permit or license for a period of time not to exceed 5 years. 720 ILCS 5/48-3; 515 ILCS 5/20-105; 520 ILCS 5/3.36.

**Public Act 98-416, effective January 1, 2014.** Amends the Code of Criminal Procedure of 1963. Requires a criminal offense charge to state the identity of a victim alleged to have been subjected to an offense involving an illegal sexual act by name, initials, or description. 725 ILCS 5/111-3.

**Public Act 98-437, effective January 1, 2014.** Amends the Criminal Code of 2012 concerning child pornography. Provides that the possession of each individual film, videotape, photograph, or other similar visual

reproduction or depiction by computer in violation of the child pornography statute constitutes a single and separate violation. However, this provision does not apply to multiple copies of the same film, videotape, photograph, or other similar visual reproduction or depiction by computer that are identical to each other. Amends the Unified Code of Corrections. Provides that the court shall impose consecutive sentences when the defendant is convicted of child pornography or aggravated child pornography that does not involve possession of child pornography and when the defendant is convicted of possession of child pornography when the child depicted is under the age of 13. 720 ILCS 5/11-20.1; 730 ILCS 5/5-8-4.

**Public Act 98-466, effective August 16, 2013.** Amends the Criminal Code of 2012. Provides that in addition to any other sentence that may be imposed for criminal defacement of property, the person shall pay the actual costs incurred by the property owner or the unit of government to abate, remediate, repair, or remove the effect of the damage to the property. Provides that a person convicted of criminal defacement of property for a violation that is chargeable as a Class 3 or Class 4 felony also shall be subject to a mandatory minimum fine of \$500. 720 ILCS 5/21-1.3.

**Public Act 98-476, effective January 1, 2014.** Amends the Illinois Parentage Act of 1984. Provides that a person is not entitled to custody of or visitation with a child without the consent of the child's mother or guardian if the person is found by clear and convincing evidence to have committed an act of non-consensual sexual penetration for his conduct in fathering that child and provides that the child's mother or guardian may decline support and maintenance obligations from such a father. Provides that a man who has fathered a child through sexual assault or sexual abuse is not entitled to any inheritance or other rights from the child without the consent of the child's mother or guardian. Provides that notwithstanding any provision of the Illinois Marriage and Dissolution of Marriage Act, the parent, grandparent, great-grandparent, or sibling of a man who has fathered a child through sexual assault or sexual abuse does not have standing to bring an action requesting custody or visitation with the child without the consent of the

child's mother or guardian. Provides that the child's mother or guardian may file a petition under the new provisions either as an affirmative petition or as an affirmative defense in any proceeding filed by a man who has fathered a child through sexual assault or sexual abuse. 750 ILCS 45/6.5.

**Public Act 98-489, effective January 1, 2014.** Amends the Illinois Vehicle Code. Provides that operating a motor vehicle without a required certificate of safety is a petty offense with a minimum fine of \$95 and a maximum fine of \$250, unless the violation is contemporaneous with a motor vehicle accident, in which case a violation is a Class C misdemeanor. 625 ILCS 5/13-111.

**Public Act 98-528, effective January 1, 2015.** Amends the Criminal Identification Act. Requires collection of ethnic and racial data on each person arrested. Also, requires collection of ethnic and racial data of each person committed to the Department of Corrections and the Department of Juvenile Justice at each of the following criminal justice contact points: (1) at arrest or booking by the supervising law enforcement agency; (2) upon imprisonment in the Department of Corrections or the Department of Juvenile Justice; and (3) upon transfer from the Department of Juvenile Justice to the Department of Corrections. The data is to be included in Department of Correction or Department of Juvenile Justice records. Provides procedures for collection of the data. Amends the Illinois Uniform Conviction Information Act and the Illinois Criminal Justice Information Act. Includes the collected ethnic and racial data as criminal history record information under the Illinois Uniform Conviction Information Act and the Illinois Criminal Justice Information Act. Requires the annual report of the Department of Corrections to the Governor and General Assembly to include the ethnic and racial background data, not identifiable to an individual, of all persons committed to the Department, its institutions, facilities, and programs. 20 ILCS 2630/4.5, 5; 20 ILCS 2635/3; 20 ILCS 3930/3; 730 ILCS 5/3-2.5-15, 3-5-1, 3-5-3.

**Public Act 98-529, effective January 1, 2014.** Amends the Criminal Code of 2012. Includes in the offense of threatening a public official, threatening a human service provider. Defines "human service provider" as a social worker, case worker, or investigator

employed by an agency or organization providing social work, case work, or investigative services under a contract with or a grant from the Department of Human Services, the Department of Children and Family Services, the Department of Healthcare and Family Services, or the Department on Aging (rather than from the State of Illinois). Provides that the threat must be conveyed because of the performance or nonperformance of duty as a human service provider (rather than toward the human service provider acting in his or her authorized capacity). 720 ILCS 5/12-9.

**Public Act 98-536, effective August 23, 2013.** Amends the Juvenile Court Act of 1987. Provides that persons 18 years of age and older who have a petition of delinquency filed against them may be confined in an adult detention facility. Provides that in making a determination whether to confine a person 18 years of age or older who has a petition of delinquency filed against the person, these factors among other matters shall be considered: (1) the age of the person; (2) any previous delinquent or criminal history of the person; (3) any previous abuse or neglect history of the person; (4) any mental health history of the person; and (5) any educational history of the person. 705 ILCS 405/5-710.

**Public Act 98-537, effective August 23, 2013.** Amends the Unified Code of Corrections. Provides that the \$25 assessment for drug related and methamphetamine related offenses shall be deposited into the Criminal Justice Information Projects Fund (rather than the Drug Traffic Prevention Fund) and that moneys in the Fund received under these provisions shall be appropriated to and administered by the Illinois Criminal Justice Information Authority (rather than the Department of State Police) for funding of drug task forces and Metropolitan Enforcement Groups. 730 ILCS 5/5-9-1.1, 5-9-1.1-5.

**Public Act 98-538, effective August 23, 2013.** Amends the Criminal Code of 2012. Deletes provision that enhances the penalty for prostitution to a Class 4 felony if the offense is committed within 1,000 feet of real property comprising a school. Deletes provision that a second or subsequent prostitution violation, or any combination of convictions for prostitution and solicitation of a sexual act, promoting prostitution, promoting juvenile prostitution, soliciting for a

prostitute, soliciting for a juvenile prostitute, pandering, keeping a place of prostitution, keeping a place of juvenile prostitution, patronizing a prostitute, patronizing a juvenile prostitute, pimping, juvenile pimping, aggravated juvenile pimping, or exploitation of a child, is a Class 4 felony. Eliminates first offender probation for felony prostitution. Amends the Mental Health Court Treatment Act. Provides that a defendant charged with prostitution may be admitted into a mental health court program, which may include specialized service programs specifically designed to address the trauma associated with prostitution and human trafficking, if available in the jurisdiction and provided that the eligibility requirements of admission to a mental health court program are satisfied. Provides that judicial circuits establishing these specialized programs shall partner with prostitution and human trafficking advocates, survivors, and service providers in the development of the programs. 720 ILCS 5/11-14; 730 ILCS 168/20.

**Public Act 98-547, effective January 1, 2014.** Amends the Juvenile Court Act of 1987 and the Code of Criminal Procedure of 1963. Provides an oral, written, or sign language statement of a person made as a result of a custodial interrogation at a police station or other place of detention shall be presumed to be inadmissible against the minor or adult in a juvenile or criminal court proceeding for certain criminal offenses when the interrogation occurs on or after certain specified dates, unless an electronic recording is made of the custodial interrogation and the recording is substantially accurate and not intentionally altered. Provides if while conducting a custodial interrogation, the person being interrogated makes a statement which creates reasonable suspicion that the person has committed an offense other than those required to be recorded by this provision and the interrogators were unaware of facts and circumstances that would create probable cause to believe the person had committed one of the offenses. 705 ILCS 405/5-401.5; 725 ILCS 5/103-2.1.

**Public Act 98-552, effective August 27, 2013.** Amends the Juvenile Court Act of 1987. Provides that subject to certain limitations specified in the Act, the court presiding over juvenile court proceeding brought under the Act, in its discretion, may order that juvenile court records be made available in

individual cases to representatives of agencies, associations, news media, and other properly interested persons. Provides that in determining whether inspection should be limited to certain parts of the file, the court shall consider the minor's interest in confidentiality and rehabilitation over the moving party's interest in obtaining the information. 705 ILCS 405/1-8.

**Public Act 98-575, effective January 1, 2014.** Amends the Juvenile Court Act of 1987 and the Unified Code of Corrections. Provides that jurisdiction over an offender may be transferred from the sentencing court to the court of another circuit with the concurrence of both courts. Provides that further transfers or retransfers of jurisdiction are also authorized in the same manner. Provides that the court to which jurisdiction has been transferred shall have the same powers as the sentencing court. Provides that the probation department within the circuit to which jurisdiction has been transferred, or which has agreed to provide supervision, may impose probation fees upon receiving the transferred offender as provided in the Unified Code of Corrections. Provides that for all transfer cases, as defined in the Probation and Probation Officers Act, the probation department from the original sentencing court shall retain all probation fees collected prior to the transfer and that after the transfer all probation fees shall be paid to the probation department within the circuit to which jurisdiction has been transferred. Amends the Probation and Probation Officers Act. Defines "transfer case" as any case where an adult or juvenile offender seeks to have supervision transferred from one county to another or from another state to a county in Illinois, and the transfer is approved by a judicial officer, a probation or court services department, or through an interstate compact. Provides that if the transfer case originated in another state and has been transferred under the Interstate Compact for Juveniles to the jurisdiction of an Illinois circuit court for supervision by an Illinois probation department, probation fees may be imposed only if permitted by the Interstate Commission for Juveniles. 705 ILCS 405/5-715; 730 ILCS 5/5-6-3; 730 ILCS 110/9b.

**Public Act 98-576, effective January 1, 2014.** Amends the Code of Criminal Procedure of 1963. Allows a peace officer to

conduct temporary questioning or make an arrest outside of his or her jurisdiction, if the officer is engaged in the investigation of criminal activity that occurred in the officer's primary jurisdiction and the temporary questioning or arrest relates to, arises from, or is conducted pursuant to that investigation. 725 ILCS 5/107-4.

**Public Act 98-579, effective January 1, 2014.** Amends the Code of Criminal Procedure of 1963. Provides that upon request of the moving party and with reasonable notice given to the opposing party, in a criminal prosecution in which the defendant is accused of an offense under Article 16 or 17 of the Criminal Code of 1961 or the Criminal Code of 2012, the court may, for good cause and upon appropriate safeguards, permit live foundational testimony business records as evidence subject to cross examination, and transmitted by audio or video transmission from outside of Illinois. 725 ILCS 5/115-5.

### Domestic Violence

**Public Act 98-430, effective January 1, 2014.** Creates the Workplace Violence Prevention Act. Contains a purpose statement and defines terms. Provides that an employer may seek an order of protection to prohibit further violence or threats of violence by a person if: (1) the employee has suffered unlawful violence or a credible threat of violence from the person; and (2) the unlawful violence has been carried out at the employee's place of work or the credible threat of violence can reasonably be constructed to be carried out at the employee's place of work by the person. Provides that an employer may obtain an order of protection under the Illinois Domestic Violence Act of 1986 if the employer: (1) files an affidavit that shows, to the satisfaction of the court, reasonable proof that an employee has suffered either unlawful violence or a credible threat of violence by the defendant; and (2) demonstrates that great or irreparable harm has been suffered, will be suffered, or is likely to be suffered by the employee. Provides that employer remedies under the Act are limited to an order of protection, but that nothing in the Act waives, reduces, or diminishes any other remedy available to an employer under any other mechanism. Provides that the Act does not apply to cases involving or growing out of a labor dispute governed by other State or federal law. Provides that issues of jurisdiction, venue, procedure, and

enforcement shall be governed by the Illinois Domestic Violence Act of 1986, and that law enforcement personnel shall have the same responsibilities as provided in that Act.

**Public Act 98-477, effective August 16, 2013.** Amends the Juvenile Court Act of 1987. Provides that a motion to reinstate parental rights may be filed by the minor, as well as the Department of Children and Family Services. Deletes the Section concerning a motion to reinstate parental rights is repealed 4 years after its effective date (August 21, 2013). 705 ILCS 405/2-34.

**Public Act 98-558, effective January 1, 2014.** Amends the Unified Code of Corrections. Provides that to assist youth committed to the Department of Juvenile Justice under the Juvenile Court Act of 1987 with successful reintegration into society, the Department shall retain custody and control of all adjudicated delinquent juveniles re-released after their parole or mandatory supervised release has been revoked, shall provide a continuum of post-release treatment and services to those youth, and shall supervise those youth during their release period in accordance with the conditions set by the Prisoner Review Board. Provides that the Department of Juvenile Justice shall implement an aftercare program for released delinquents. Establishes the conditions of the release. Provides that the Prisoner Review Board has the authority for hearing and deciding the time of aftercare release for persons adjudicated delinquent under the Juvenile Court Act of 1987. Changes juvenile parole to aftercare release. Provides that the supervising officer is an aftercare specialist. Amends various other Acts to make conforming changes.

### Economic Development

**Public Act 98-397, effective August 16, 2013.** Amends the Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois. Provides that the Department of Commerce and Economic Opportunity shall annually develop and update a strategic economic development plan for the State. Creates the Illinois Business Development Council. Provides that the Council shall serve as an advisory body to the Department of Commerce and Economic Opportunity in the creation and updating of the strategic economic development plan for the State. Provides that businesses receiving financial incentives from the Department

of Commerce and Economic Opportunity shall report quarterly and annually specified data related to job creation. 20 ILCS 605/605-300, 605-320.

## Elections

**Public Act 98-594, effective November 15, 2013.** Amends the School Code. In a Section concerning mandatory consolidation of educational service regions, provides that if, before November 1, 2013 (instead of January 1, 2014), locally determined consolidation decisions result in more than 35 regions, the State Board of Education shall direct further consolidation before November 23, 2013 (instead of June 1, 2014). Amends the Election Code. Adds provisions concerning petitions for nomination for regional superintendent of schools in the 2014 general primary election. 10 ILCS 5/7-67; 105 ILCS 5/3A-4.

## Emergency Preparedness and Response

**Public Act 98-308, effective August 12, 2013.** Amends the Civic Center Code. Provides that the Authority shall make buildings of a civic center organized under the Code available for emergency purposes. Provides that the Authority shall cooperate in all matters with the Illinois Emergency Management Agency, local emergency management agencies, a State-accredited emergency management agency with jurisdiction, local public health departments, the American Red Cross, and federal agencies concerned with emergency preparedness and response. 70 ILCS 200/2-160.

**Public Act 98-309, effective August 12, 2013.** Creates the Interstate Mutual Aid Act. Authorizes the State and units of local government to enter into mutual aid agreements with units of government from another state to provide for the coordination of communications, training, response to, and stand-by for planned events and emergency responses between the units of government. Contains provisions concerning licenses and certifications, liability, and employee benefits.

**Public Act 98-332, effective January 1, 2014.** Amends the Emergency Telephone System Act. Sets forth the General Assembly's findings regarding the ability of 9-1-1 systems to manually transfer, forward, or relay 9-1-1 calls originating within one 9-1-1 system's jurisdiction, but which should properly

be answered and dispatched by another 9-1-1 system, to the appropriate 9-1-1 system for answering and dispatch of first responders. Requires the Illinois Commerce Commission to prepare a directory of all authorized 9-1-1 systems in the State of Illinois. Requires the directory to include an emergency 10-digit telephone number for a Primary Public Safety Answering Point located in each 9-1-1 system to which 9-1-1 calls from another jurisdiction can be transferred. Requires each 9-1-1 system to provide the Manager of the Commission's 9-1-1 Program with a 10-digit emergency telephone number to which 9-1-1 calls originating in another 9-1-1 jurisdiction can be transferred and its standard operating procedure describing the manner in which the system shall transfer, forward, or relay these calls. Repeals this Section on December 31, 2015. 50 ILCS 750/17.

**Public Act 98-602, effective December 6, 2013.** Amends the Wireless Emergency Telephone Safety Act. Extends the deadline for the 9-1-1 Services Advisory Board to submit recommendations from February 1, 2014 to May 1, 2014.

## Employees

**Public Act 98-501, effective January 1, 2014.** Amends the Right to Privacy in the Workplace Act. Provides that, provided the password, account information, or access sought by the employer relates to a professional account relating to a social networking website and not a personal account, nothing in the provisions otherwise prohibiting an employer from requesting or requiring an employee or prospective employee to provide any password or other related account information in order to gain access to the employee's or prospective employee's account or profile on a social networking website shall prohibit or restrict an employer from complying with a duty to screen employees or applicants prior to hiring or to monitor or retain employee communications as required under Illinois insurance laws or federal law or by a self-regulatory organization as defined in the Securities Exchange Act of 1934. Defines "professional account" and "personal account." 820 ILCS 55/10.

**Public Act 98-527, effective January 1, 2014.** Amends the Illinois Wage Payment and Collection Act. Authorizes the Department of Labor to establish administrative procedures to adjudicate claims of any

amount (removes a provision limiting the Department's authority to claims of \$3,000 or less). Provides for the imposition of administrative fees payable to the Department of Labor when an employer is ordered to pay wages, final compensation, or wage supplements. Provides for the amount of the fee to increase based upon the amount of unpaid wages. 820 ILCS 115/11, 14.

## Environment

**Public Act 98-327, effective August 13, 2013.** Amends the Drycleaner Environmental Response Trust Fund Act. Establishes the Drycleaner Environmental Response Trust Fund Task Force. Directs the Task Force to study the resource challenges and implementation issues that the Fund faces and to make recommendations for adequately funding the Fund and for refining and improving the goals and implementation of the Trust Fund program. Provides that if an insurer sends a second notice to an owner or operator demanding immediate payment of a past-due premium for insurance services provided pursuant to the Act, the demand for payment must offer a grace period of not less than 30 days during which the owner or operator shall be allowed to pay any premiums due. Provides that if payment is made during that period, coverage under the Act shall not be terminated for non-payment by the insurer. Provides that if an insurer terminates an owner or operator's coverage under the Act, the insurer must send a written notice to the owner or operator to inform him or her of the termination of that coverage, and that notice must include instructions on how to seek reinstatement of coverage, as well as information concerning any premiums or penalties that might be due. Provides that the provisions creating the Task Force are repealed on January 1, 2016.

**Public Act 98-346, effective August 14, 2013.** Amends the Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois, the Hazardous Waste Technology Exchange Service Act, the Green Governments Illinois Act, the University of Illinois Exercise of Functions and Duties Law of the Civil Administrative Code of Illinois, the University of Illinois Scientific Surveys Act, the Toxic Pollution Prevention Act, the Illinois Low-Level Radioactive Waste Management Act, and the Wildlife Code. Changes references from the Waste Management and Research Center to the Il-



Illinois Sustainable Technology Center. Makes changes concerning the Green Governments Coordinating Council and references to the Illinois Natural History Survey, the Illinois State Water Survey, and the Illinois State Geological Survey. Makes changes with respect to the Prairie Research Institute, including providing that the Institute shall contain the Illinois State Archaeological Survey and changing the powers and duties of the Board of Trustees of the University of Illinois and the Scientific Surveys. Repeals a Section of the State Finance Act in relation to certain revenues deposited into the University of Illinois Income Fund and appropriations from the Natural Resources Information Fund. In the University of Illinois Scientific Surveys Act, makes changes concerning the powers and duties performed by the Scientific Surveys. In the Toxic Pollution Prevention Act, makes changes concerning the duties of the Illinois Sustainable Technology Center.

**Public Act 98-366, effective January 1, 2014.** Amends the Environmental Protection Act. Exempts from the definition of "potentially infectious medical waste" sharps that, in accordance with a permit issued by the Environmental Protection Agency, (i) have had their infectious potential eliminated through treatment at a facility that is permitted for the treatment of potentially infectious medical waste, (ii) are certified by the treatment facility as non-special waste, (iii) are packaged at the treatment facility in accordance with Illinois Pollution Control Board rules for potentially infectious medical waste, and (iv) are transported under the custody of the treatment facility to a landfill permitted under Section 21 of the Act to accept municipal waste for disposal. 415 ILCS 5/3.360.

**Public Act 98-472, effective January 1, 2014.** Amends the Litter Control Act. Provides that a person who violates section 5 of the Act (disposing of litter from a motor vehicle upon a public highway, upon public or private property, or into a body of water) is subject to a mandatory minimum fine of \$50.00. 415 ILCS 105/8.

**Public Act 98-483, effective January 1, 2014.** Amends the Litter Control Act. Changes the definition of "litter" to include cigarettes. 415 ILCS 105/3.

**Public Act 98-484, effective August 16,**

**2013.** Amends the Environmental Protection Act. Provides that a composting facility may not qualify for the on-farm composting permit exemption from solid-waste permitting, unless it certifies: (i) that it accepts from other agricultural operations for composting with landscape waste no materials other than uncontaminated, and source-separated crop residue and other agricultural plant residue generated from the production and harvesting of crops and other customary farm practices and plant-derived animal bedding, such as straw or sawdust, that is free of manure and was not made from painted or treated wood; or (ii) that any composting additives that it accepts and uses at the facility are necessary to provide proper conditions for composting and do not exceed 10% of the total composting material at the facility at any one time. Makes changes regarding municipality or county setback distances of less than 1/4 mile. 415 ILCS 5/21.

**Public Act 98-520, effective August 23, 2013.** Amends the Open Space Lands Acquisition and Development Act. Provides that a local government defined as "distressed" under criteria adopted by the Department of Natural Resources through administrative rule shall be eligible for assistance up to 90% (rather than 50%) for the acquisition of open space lands and for capital development and improvement proposals, provided that no more than 10% of the amount appropriated under this Act in any fiscal year is made available as grants to distressed local governments. 525 ILCS 35/3.

**Public Act 98-522, effective January 1, 2014.** Amends the Recreational Use of Land and Water Areas Act. Changes the definition of "land" to include land. Adds, to the definition of "recreational or conservation purpose," entry by the general public onto the land of another for conservation, resource management, educational, or outdoor recreational use. Defines "invites" and "permits." Provides that an owner of land who permits (instead of either directly or indirectly "invites or permits") without charge any person to use the property for recreational or conservation purposes does not thereby extend any assurance that the premises are safe for any purpose or assume responsibility for or incur liability for any injury to person or property caused by an act or omission of such person or any other person who enters

upon the land, or assume responsibility for or incur liability for any injury to such person or property caused by any natural or artificial condition, structure or personal property on the premises. In a Section concerning the non-limitation of liability which otherwise exists in certain situations, deletes language providing that in the case of land leased to the State or a subdivision thereof, any consideration received by the owner for such lease is not a charge within the meaning of the Section. Contains applicability provisions. Provides that certain provisions apply only to causes action accruing on and after the effective date of this amendatory Act. 745 ILCS 65/2, 4, 6, 7.

**Public Act 98-542, effective January 1, 2014.** Amends the Environmental Protection Act. Provides that an owner or operator of a sanitary landfill that is located within a 25-mile radius of a site where asphalt roofing shingles are recycled under a Beneficial Use Determination (BUD) shall not accept for disposal loads of whole or processed asphalt roofing shingles. Requires the Environmental Protection Agency to post on its website the name and address of each site at which the recycling of asphalt roofing shingles under a BUD is approved. Requires each recipient of a BUD for asphalt roofing shingles to submit, by January 31 of each year, a report to the Agency that contains certain information. Provides for the repeal of these provisions on February 1, 2018. 415 ILCS 5/22.54a.

## Franchises

**Public Act 98-424, effective January 1, 2014.** Amends the Motor Vehicle Franchise Act. Provides that it is a violation of the Act to require a motorcycle dealer to: (1) utilize manufacturer approved floor fixtures for displays of products that are not products of the manufacturer; (2) buy lighting fixtures only from the manufacturer's approved vendors; or (3) locate to a new or alternate facility. 815 ILCS 710/10.1.

## Intergovernmental Cooperation

**Public Act 98-504, effective January 1, 2014.** Amends the Intergovernmental Cooperation Act. Requires the joint insurance pool to annually file with the Director of Insurance a statement of actuarial opinion by an independent actuary who is an associate or fellow in a casualty actuarial society (rather than a certification by an independent actuary). Requires the statement to be

filed no later than 150 days after the end of each fiscal year and requires the statement of actuarial opinion that must be filed on the joint insurance pool's aggregate coverage, reinsurance, or excess insurance coverage to be supplied by the provider of that coverage. Provides that the joint insurance pool shall be exempt from filing the statement if the joint insurance pool files with the Director, by the reporting deadline, a statement on the pool's aggregate coverage, reinsurance, or other similar excess insurance coverage. Caps the civil penalties that may be assessed by the Director of Insurance for specified violations. Authorizes not only the Director (or his or her staff), but also a Director-selected independent auditor (or actuarial firm) that is not owned or affiliated with an insurance brokerage firm, insurance company, or other insurance industry affiliated entity to examine the affairs, transactions, accounts, records, and assets and liabilities of each non-complying joint insurance pool. 5 ILCS 220/6.

### Land Acquisition and Conveyances

**Public Act 98-326, effective August 12, 2013.** Amends the Open Space Lands Acquisition and Development Act. Provides that at least 50% of any grant made to a unit of local government under the Act must be paid to the unit of local government at the time the Department awards the grant. Provides that the remainder shall be distributed quarterly on a reimbursement basis. 525 ILCS 35/3.

**Public Act 98-386, effective August 16, 2013.** Authorizes the Department of Transportation to convey described parcels in McLean, Madison, Sangamon, Ogle, Warren, LaSalle, and Carroll Counties.

### Labor

**Public Act 98-328, effective January 1, 2014.** Amends the Prevailing Wage Act. Provides that contractors and subcontractors shall make and keep for a period of not less than 5 years from the date of the last payment on a contract or subcontract for public works records of all workers employed on the project. Provides that a public body must keep for 5 years certain payroll records. Provides that a contractor, subcontractor, or public body may retain records in paper or electronic format. Provides that actions for the failure to pay wages or compensation shall be brought within 5 years from the date of the failure to pay. 820 ILCS 130/5, 11, 11a.

### Licensed Activities

**Public Act 98-339, effective December 31, 2013.** Amends the Regulatory Sunset Act. Extends the repeal of the Veterinary Medicine and Surgery Practice Act of 2004 from January 1, 2014 to January 1, 2024. Amends the Veterinary Medicine and Surgery Practice Act of 2004. Defines "address of record" and "veterinarian." Makes changes to provisions concerning exemptions, restrictions on practice, administration of the Act, the Veterinarian Licensing and Disciplinary Board, renewal of licenses, licensure without examination, fees, continuing education, advertisements, disciplinary actions, injunctions, investigations, hearings, records, and violations of the Act. Provides that veterinarians have authority to dispense drugs in emergency situations as specified in the Act and that all information collected by the Department in the course of an examination or investigation of a licensee or applicant shall be maintained for the confidential use of the Department. 225 ILCS 115/3 et seq.

**Public Act 98-355, effective August 16, 2013.** Amends the Wholesale Drug Distribution Licensing Act. Sets forth a definition of "drug in shortage." Provides that any person engaged in the wholesale distribution of a drug in shortage in the State must be licensed by the Department of Financial and Professional Regulation. Provides that the provision concerning licensure shall not apply to entities within the normal distribution channel as defined under the Act. Provides that, except with regard to the return of drugs, it is unlawful for any person, other than those licensed as a manufacturer, a manufacturer's exclusive distributor, a third party logistics provider, or an authorized distributor of record, to purchase or receive a drug in shortage from any person not licensed by the Department. Provides that a person found to have violated a provision concerning drugs in shortage shall be subject to administrative fines, orders for restitution, and orders for disgorgement. Requires the Department to: (1) create a centralized, searchable database of those entities licensed to engage in wholesale distribution, including manufacturers, wholesale distributors, and pharmacy distributors, to enable purchasers of a drug in shortage to easily verify the licensing status of an entity offering such drugs; (2) establish a system for reporting the reasonable suspicion that a violation of the Act has been com-

mitted by distributors of a drug in shortage to the Office of the Attorney General and the appropriate State's Attorney's office; and (3) adopt rules to carry out the provisions concerning drugs in shortage.

**Public Act 98-357, effective August 16, 2013.** Amends the Pawnbroker Regulation Act. Authorizes the Secretary of Financial and Professional Regulation to impose civil penalties up to \$10,000 against any person for each day that person violates any provision of the Act, any rule promulgated in accordance with the Act, any State or federal law affecting pawnbrokers, or any order of the Secretary based upon the seriousness of the violation. 205 ILCS 510/0.05, 4.

**Public Act 98-362, effective August 16, 2013.** Amends the Hearing Instrument Consumer Protection Act. Changes the definition of "hearing instrument" and "hearing aid." Authorizes the sale of hearing instruments on the Internet. Makes changes to disclosure requirements concerning sales by mail or the Internet. 225 ILCS 50/3, 6.

**Public Act 98-363, effective August 16, 2013.** Extends the repeal of the Electrologist Licensing Act from January 1, 2014 to January 1, 2024. Amends the Electrologist Licensing Act. Makes changes to provisions concerning definitions, application for licensure, the Administrative Procedure Act, licensure by endorsement, renewal of licenses, inactive status and restoration of licenses, fees, grounds for discipline, violations of the Act, investigations, notice, hearings, findings and recommendations, summary suspension, records, unlicensed practice, and civil penalties. Provides that all information collected by the Department of Financial and Professional Regulation in the course of an examination or investigation of a licensee or applicant shall be maintained for the confidential use of the Department and shall not be disclosed. 225 ILCS 412.

**Public Act 98-364, effective December 31, 2013.** Extends the repeal of the Registered Surgical Assistant and Registered Surgical Technologist Title Protection Act from January 1, 2014 to January 1, 2024. Amends the Registered Surgical Assistant and Registered Surgical Technologist Title Protection Act. Makes changes in provisions concerning definitions, the Illinois Administrative Proce-

dures Act, registration applications, application of the Act, registration requirements, supervision requirement, inactive status, fees, disciplinary action, suspension of registration, cease and desist orders, investigations, hearings, record of proceedings, restoration of registration, and civil penalties. Provides that all information collected by the Department of Financial and Professional Regulation in the course of an examination or investigation of a registrant or applicant shall be maintained for the confidential use of the Department and shall not be disclosed. 225 ILCS 130.

**Public Act 98-365, effective January 1, 2014.** Amends the Community Association Manager Licensing and Disciplinary Act. Makes changes to provisions concerning the legislative intent, definitions ("community association management firm" and "supervising community association manager"), licenses, exemptions from licensure, the Community Association Manager Licensing and Disciplinary Board, immunity from liability, information on license applications, qualifications for licensure as a community association manager, community association management firms, insurance and segregation of accounts, license renewal and restoration, fees, penalties for insufficient funds, endorsement, grounds for discipline, suspension of license for failure to pay restitution, unlicensed practice, license surrender, violations of the Act, and home rule. Adds provisions concerning qualifications for licensure as a supervising community association manager. Provides that the 10 additional hours of education required for licensure under the Act shall not apply to persons holding a real estate managing broker license in good standing issued under the Real Estate License Act of 2000. 225 ILCS 427.

**Public Act 98-394, effective August 16, 2013.** Amends the Liquor Control Act of 1934. Provides that the Department of Revenue may grant waivers from the requirement that importing distributors to keep records at their licensed address or place of business, and permit importing distributors to keep those records at a central business location within the State. Central business locations shall be located at a licensed importing distributor's premises. Further amends the Liquor Control Act of 1934. Provides a manufacturer which is licensed in this

State to make sales or deliveries of alcoholic liquor to licensed distributors or importing distributors and which enlists agents, representatives, or individuals acting on its behalf who contact licensed retailers on a regular and continual basis in this State must register those agents, representatives, or persons acting on its behalf with the State Commission. Provides that the Illinois Liquor Control Commission shall post a list of registered agents on the Commission's website. 235 ILCS 5/5-1.

**Public Act 98-400, effective August 16, 2013.** Amends the Illinois Credit Union Act. Provides that the Department of Financial and Professional Regulation may assess a civil penalty against credit unions only when the Secretary of Financial and Professional Regulation reasonably determines, based on objective facts and an accurate assessment of applicable legal standards, that the credit union has committed a violation of the Act, any rule adopted in accordance with the Act, or any order of the Secretary issued pursuant to his or her authority under the Act or has engaged or participated in any unsafe or unsound practice, and that the violation or unsafe or unsound practice has directly resulted in a substantial and material financial loss or created a reasonable probability that a substantial and material financial loss will directly result, or that violation or unsafe or unsound practice constituted willful misconduct and a material breach of fiduciary duty of any director, officer, or committee member of the credit union. Provides that civil penalty orders are confidential supervisory information and shall be prohibited from disclosure to any person, except that once such an order is a final administrative decision of the Department and has been adjudicated to finality, a concise syllabus of the order may be posted on the Department's official website. 205 ILCS 305/8.

**Public Act 98-401, effective August 16, 2013.** Amends the Liquor Control Act of 1934. Provides that craft brewers may manufacture up to 930,000 gallons of beer per year. Changes related references from 465,000 gallons to 930,000. 235 ILCS 5/1-3.38, 3-12, 5-1.

**Public Act 98-414, effective January 1, 2014.** Amends the Illinois Health Facilities Planning Act. Provides that the Act does not apply to physicians or other licensed

health care professional's practices where such practices are carried out in a portion of a health care facility under contract with such health care facility by a physician or by other licensed health care professionals, unless the entity constructs, modifies, or establishes a health care facility. Deletes provisions authorizing the Health Facilities and Services Review Board to define the meaning of the term "category of service." Deletes a provision which specified that permits for projects that have not been obligated within the prescribed obligation period shall expire on the last day of that period. Changes the circumstances under which the Board issues written decisions. Defines the term "category of service." 20 ILCS 3960/3, 5, 12.

**Public Act 98-432, effective January 1, 2014.** Amends the Funeral Directors and Embalmers Licensing Code. Provides that an unlicensed owner may interact with consumers while a licensed funeral director is present. 225 ILCS 41/1-15.

**Public Act 98-444, effective August 16, 2013.** Amends the Real Estate Appraiser Licensing Act of 2002. Provides that specified valuation waivers may be prepared by a licensed appraiser and a license is not required under the Act to perform such valuations if the valuations are performed by an employee of the Illinois Department of Transportation or a county engineer under certain circumstances. Provides that valuation waivers must include the license number of the employee of the Illinois Department of Transportation that is a registered professional engineer co-signing the valuation waiver. Provides that a county engineer shall affix his or her license number to the valuation. 225 ILCS 458/5-5.

**Public Act 98-445, effective December 31, 2013.** Amends the Regulatory Sunset Act to extend the repeal of the Illinois Certified Shorthand Reporters Act of 1984 from January 1, 2014 to January 1, 2024. Amends the Illinois Certified Shorthand Reporters Act of 1984. Adds Section headings and changes references of "Director" to "Secretary." Makes changes to the provisions concerning uncertified practice, violations, and civil penalties; definitions; restricted certificates; the administration of Act; the Certified Shorthand Reporters Board; the Department's authorization of examinations; expiration,

renewal, and military service; endorsement and licensure without examination; fees and returned checks; advertising; grounds for disciplinary action; injunctive actions and orders to cease and desist; investigations and notice and hearing; records of proceedings; subpoenas and oaths; compelling testimony and contempt; the Board's report; hearing of officers, reports, and review; order or certified copy and prima facie proof; restoration of license from discipline; suspension; certification of court records and the filing of receipt; penalties; continuing education; home rule; a licensee's responsibility to preserve his or her shorthand notes; and the Administrative Procedure Act. Adds provisions concerning social security numbers on license applications and confidentiality. Repeals a provision concerning practicing in this State or holding oneself out as being able to practice shorthand reporting. Provides that the Department shall issue a restricted certificate to a reporter who has been appointed in counties of less than 1,000,000 in population and has paid the required fee, has been examined under the Court Reporters Act, and has achieved an "A" proficiency rating (previously did not require the examination under the Court Reporters Act for those who achieved an "A" proficiency rating). 5 ILCS 80/4.24, 4.34; 225 ILCS 415/3 et seq.

**Public Act 98-452, effective January 1, 2014.** Amends the Emergency Medical Services (EMS) Systems Act to make different changes with respect to vehicle service providers. Requires the Department of Public Health to: (i) establish requirements for license renewal at intervals determined by the Department, which shall be not less than every 4 years (instead of every 2 years); (ii) annually inspect all licensed vehicles operated by Vehicle Service Providers (instead of inspect all Vehicle Service Providers at intervals determined by the Department, which shall be not less than every 2 years, and relicense such Providers that have met the Department's requirements for license renewal); and (iii) charge each Vehicle Service Provider a fee per transport vehicle, due annually at the time of inspection (instead of to be submitted with each application for licensure and license renewal). 210 ILCS 50/3.85.

**Public Act 98-492, effective August 16, 2013.** Amends the Residential Mortgage License Act of 1987. Provides that persons ex-

empt from licensure as a federally chartered savings bank registered with the Nationwide Mortgage Licensing System and Registry may apply for an exempt company registration for the purpose of sponsoring one or more individuals subject to the mortgage loan originator licensing requirements of the Act. Establishes requirements for exempt company registration and denial, suspension, or revocation of the registration. Changes references from "Commissioner" to "Secretary." Provides that an exempt entity under the Act shall cooperate with the Secretary of the Department of Financial and Professional Regulation in the examination and investigation of its sponsored and licensed mortgage loan originators. Provides that the activities requiring a licensee of a mortgage loan originator that are sponsored by an exempt entity under the Act are subject to examination and investigation by the Secretary. 205 ILCS 635/1-3, 4-2, 7-15.

**Public Act 98-505, effective January 1, 2014.** Amends the Nursing Home Care Act. Provides that a facility which is owned by a chain organization as defined by the Centers for Medicare and Medicaid Services shall submit annually to the Department of Public Health a copy of the Home Office Cost Statement required to be submitted by the home office of the chain to the United States Department of Health and Human Services. Provides that the Home Office Cost Statement contains proprietary, privileged, and confidential information that shall not be placed on the World Wide Web. Provides that any request from the public received by any public agency to disclose this Home Office Cost Statement is subject to the provisions of the Freedom of Information Act. Adds certain information regarding nursing homes that the Department must make available to the public on the World Wide Web, including certain cost reports and statements and whether the facility is (i) part of a chain, (ii) a for-profit or not-for-profit facility, and (iii) is or is part of a continuing care retirement community. 210 ILCS 45/3-208, 3-304.1.

**Public Act 98-523, effective August 23, 2013.** Amends the Nursing Home Care Act. Provides that to protect the residents' funds, a facility shall at the time of admission provide each resident, resident's guardian, resident's representative, or resident's immediate family member with a written state-

ment explaining to the resident and to the resident's spouse their obligation to comply with the asset and income disclosure requirements of the federal Social Security Act and the regulations duly promulgated thereunder. Provides that the signed acknowledgment that the facility is to obtain from each resident, resident's guardian, resident's representative, or resident's immediate family member shall acknowledge that such person understands that failure to comply with asset and income disclosure requirements may result in the denial of Medicaid eligibility. 210 ILCS 45/2-201.

**Public Act 98-531, effective August 23, 2013.** Amends the Real Estate License Act of 2000. Defines "electronic means of procuring" and "interactive delivery method." Provides that an individual holding an active license as a managing broker may return the license to the Department of Financial and Professional Regulation along with a form provided by the Department and shall be issued a broker's license in exchange. Removes language requiring that educational requirements involve interactive delivery methods presenting instruction and real time discussion between the instructor and the students. Provides that no licensee shall obtain any written brokerage agreement that does not either provide for automatic expiration within a definite period of time or provide the client with a right to terminate the agreement annually by giving no more than 30 days' prior written notice. 225 ILCS 454/1-10, 5-28, 5-50, 5-70.

**Public Act 98-543, effective January 1, 2014.** Amends the Coal Mining Act. Provides that the State Mining Board shall call an examination at least twice a year for mine electricians. Creates a new Article concerning mine electricians. Provides that each applicant for a certificate of competency as mine electrician shall produce evidence of at least one year of experience in performing electrical work in a coal mine or acceptable, related industry. Provides that the applicant shall pass an examination as to his or her practical and technical knowledge of the nature and properties of electricity, direct and alternating currents, electrical equipment and circuits, permissibility of electrical equipment, the National Electrical Code, and the laws of this State relating to coal mine electricity. Sets forth eligibility criteria for taking a mine

electrician examination. Defines "qualified mine electrician" as an individual who has completed the required classroom instruction from an approved college or university and can produce evidence of at least one year of experience in performing electrical work in a coal mine or acceptable related industry. 225 ILCS 705/2.05, 40.1 et seq.

**Public Act 98-553, effective January 1, 2014.** Amends the Real Estate License Act of 2000. Creates an exemption from the licensing requirements under the Act for any person who holds a valid license under the Auction License Act while conducting an auction for the sale of real estate, provided that certain provisions are complied with. Creates a new provision that provides the Department of Financial and Professional Regulation shall issue a real estate auction certification to applicants who meet certain qualifications. Provides that applicants for real estate auction certification must successfully complete a real estate auction course approved by the Department of Financial and Professional Regulation (was previously approved by the Real Estate Education Advisory Council) and provide documentation of the completion of the real estate auction course. Provides that advertising for real estate auctions must contain the name and address of the licensed real estate broker, managing broker, or a licensed auctioneer under a specified provision of the Act who is providing brokerage services for the transaction (previously did not include the licensed auctioneers). Provides that information collected by the Department in the course of an examination or investigation and any complaints filed with the Department shall be maintained for the confidential use of the Department and shall not be disclosed. Provides that enabling, aiding, or abetting an auctioneer to conduct a real estate auction in a manner that is in violation of the Act shall be grounds for discipline. Makes corresponding changes in the Auction License Act. 225 ILCS 407/5-10, 20-15; 225 ILCS 454/5-20, 5-32, 10-5, 20-20, 20-23.

**Public Act 98-566, effective August 27, 2013.** Amends the Food Handling Regulation Enforcement Act. Provides that beginning July 1, 2014, any individual seeking a food service sanitation manager certificate or a food service sanitation manager instructor certificate must complete a minimum of

8 hours of Department of Public Health-approved training, inclusive of the examination, and receive a score of at least 75% on the examination. Provides that for purposes of certification and recertification for food service sanitation manager certification, the Department shall accept only training approved by the Department and certification exams accredited under standards developed and adopted by the Conference for Food Protection or its successor. Provides that the Department shall award an Illinois certificate to anyone presenting a valid certificate issued by another state, so long as the holder of the certificate provides proof of having passed an examination accredited under standards developed and adopted by the Conference for Food Protection or its successor. Sets forth provisions concerning reciprocity. Provides that all food handlers not employed by a restaurant, other than someone holding a food service sanitation manager certificate, must receive or obtain certain training; sets forth the subject matter that is to be covered in training and the requirements concerning departmental approval. Provides that, unless otherwise provided, all food handlers employed by a restaurant, other than someone holding a food service sanitation manager certificate, must receive or obtain American National Standards Institute-accredited training in basic safe food handling principles within 30 days after employment and every 3 years thereafter. Requires food handlers employed in nursing homes, licensed day care homes and facilities, hospitals, schools, and long-term care facilities to renew their training every 3 years. Sets forth the requirements concerning training and departmental approval. Provides that the regulation of food handler training is considered to be an exclusive function of the State, and local regulation is prohibited. Preempts home rule. Makes other changes. 410 ILCS 625/3, 3.05, 3.06.

**Public Act 5-600, effective December 6, 2013.** Amends the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. Provides that the provisions of the Act regarding fingerprint vendors do not apply to any member of a local law enforcement agency, acting on behalf of the local law enforcement agency that is registered with the Department of State Police to provide fingerprinting services for non-criminal justice purposes, notwith-

standing whether the local law enforcement agency charges a reasonable fee related to the cost of offering fingerprinting services. Amends the Firearm Owners Identification Card Act. Provides that if a person is determined to pose a clear and present danger to himself, herself, or to others by a law enforcement official or school administrator, then the law enforcement official or school administrator shall, within 24 hours of making the determination, notify the Department of State Police (rather than the Department of Human Services) that the person poses a clear and present danger. Amends the Firearm Concealed Carry Act. Provides that the Concealed Carry Licensing Review Board may require that the applicant submit electronic fingerprints to the Department for an updated background check where the Board determines it lacks sufficient information to determine eligibility. Provides that a person who has qualified to carry a firearm as an active law enforcement or corrections officer, who has successfully completed firearms training as required by his or her law enforcement agency and is authorized by his or her agency to carry a firearm (rather than a person who has qualified to carry a firearm as an active law enforcement officer) is exempt from the firearms training requirements. Provides that the Department of State Police and certified firearms instructors shall recognize up to 8 hours of training already completed toward the 16 hour training requirement if the training course is submitted to and approved by the Department and was completed in connection with the applicant's previous employment as a law enforcement or corrections officer. Provides that any remaining hours that the applicant completes must at least cover the classroom subject matter of all applicable State and federal laws relating to the ownership, storage, carry, and transportation of a firearm, and the range qualification. Provides that a non-resident's eligibility to carry a firearm in public under the laws of his or her state or territory of residence may be evidenced by the possession of a concealed carry license or permit issued by his or her state of residence, if applicable. Establishes procedures for stop of non-resident concealed carry licensees. Provides that a former law enforcement or corrections officer seeking up to 8 hours credit shall provide evidence that he or she separated from employment in good standing from each law enforcement agency

where he or she was employed. Provides that an applicant who was discharged from a law enforcement agency for misconduct or disciplinary reasons is not eligible for credit. Makes other changes. 225 ILCS 447/31-5; 430 ILCS 65/8.1; 430 ILCS 66/10, 15, 20, 40, 75, 80.

**Public Act 98-601, effective December 30, 2013.** Amends the Regulatory Sunset Act. Extends the repeal of the Medical Practice Act of 1987 from December 31, 2013 to December 31, 2014. Amends the Medical Practice Act of 1987. Provides that any applicant applying for a license or permit under the Act may withdraw his or her application at any time. Includes violating the Compassionate Use of Medical Cannabis Pilot Program Act as grounds for discipline under the Act. Provides that all fines imposed for discipline under the Act shall be paid within 60 days after the effective date of the order imposing the fine or in accordance with the terms set forth in the order imposing the fine. Provides that members of the Medical Licensing Board shall be indemnified by the State for any actions occurring within the scope of services on the Board, done in good faith and not wilful and wanton in nature. Provides that the program director of any post-graduate clinical training program shall report to the Disciplinary Board if a person engaged in a post-graduate clinical training program at the institution, including, but not limited to, a residency or fellowship, separates from the program for any reason prior to its conclusion. 5 ILCS 80/4.24; 225 ILCS 60/9.3, 22, 23.

## Liquor

**Public Act 98-571, effective August 27, 2013.** Amends the Liquor Control Act of 1934. Provides that the prohibition on happy hours shall not be construed to prohibit a licensee from including drinks of alcoholic liquor as part of an entertainment package where the licensee is separately licensed by a municipal ordinance that (A) restricts dates of operation to dates during which there is an event at an adjacent stadium, (B) restricts hours of serving alcoholic liquor to 2 hours before the event and one hour after the event, (C) restricts alcoholic liquor sales to beer and wine, (D) requires tickets for admission to the establishment, and (E) prohibits sale of admission tickets on the day of an event and permits the sale of admission tickets for single events only. Authorizes the sale of alcoholic liquor near specific locations

within 100 feet of schools located in the City of Chicago. 235 ILCS 5/6-11, 6-28.

**Public Act 98-592, effective November 15, 2013.** Amends the Liquor Control Act of 1934. Authorizes the sale of alcoholic liquor near a specific hospital and specific places of worship located in the City of Chicago. Provides that certain votes to prohibit the sale of alcoholic liquor shall not apply to sales of alcoholic liquor at the Museum of Science and Industry in the City of Chicago. Further amends the Liquor Control Act of 1934. Authorizes the sale of alcoholic liquor near specific churches and a school in the City of Chicago. 235 ILCS 5/6-11, 9-2c.

## Lobbyists

**Public Act 98-459, effective January 1, 2014.** Amends the Lobbyist Registration Act. Requires a registrant whose client is another registrant to disclose the name and address of the ultimate beneficiary of the registrant's services. Requires a registrant whose client is another registrant to include in expenditure reports the name and address of the ultimate beneficiary of the expenditure. 25 ILCS 170/2, 5, 6.

## Medical

**Public Act 98-356, effective August 16, 2013.** Amends the Mental Health and Developmental Disabilities Administrative Act. Provides that the facility director of the Chester Mental Health Center may authorize the temporary use of transport devices on a civil recipient when necessary in the course of transport of the civil recipient outside the facility to maintain custody or security. The decision whether to use any transport devices shall be reviewed and approved on an individualized basis by a physician based upon a determination of the civil recipient's: (1) history of violence, (2) history of violence during transports, (3) history of escapes and escape attempts, (4) history of trauma, (5) history of incidents of restraint or seclusion and use of involuntary medication, (6) current functioning level, (7) prior experience during similar transports, and (8) the length, duration, and purpose of the transport. Provides that the least restrictive transport device consistent with the individual's need shall be used. Provides that staff transporting the individual shall be trained in the use of the transport devices, recognizing and responding to a person in distress, and shall observe and monitor the individual while

being transported. Provides that the facility shall keep a monthly record listing all transports, including those transports for which use of transport devices were not sought, those for which use of transport devices were sought but denied, and each instance in which transport devices are used, circumstances indicating the need for use of transport devices, time of application of transport devices, time of release from those devices, and any adverse events. Provides that the facility director shall allow the Illinois Guardianship and Advocacy Commission, the agency designated by the Governor under the Protection and Advocacy for Developmentally Disabled Persons Act, and the Department of Human Services to examine and copy the record upon request. Provides that this use of transport devices shall not be considered restraint as defined in the Mental Health and Developmental Disabilities Code. Defines "transport device." 20 ILCS 1705/14.

**Public Act 98-362, effective August 16, 2013.** Amends the Hearing Instrument Consumer Protection Act. Changes the definition of "hearing instrument" and "hearing aid." Authorizes the sale of hearing instruments on the Internet. Makes changes to disclosure requirements concerning sales by mail or the Internet. 225 ILCS 50/3, 6.

**Public Act 98-378, effective August 16, 2013.** Amends the Mental Health and Developmental Disabilities Confidentiality Act. Defines "business associate," "covered entity," "health information exchange (HIE)," "HIE purposes," "HIPAA," "integrated health system," and "interdisciplinary team" and changes the definition of "confidential communication" and "record." Provides that an HIE, person, therapist, facility, agency, interdisciplinary team, integrated health system, business associate, or covered entity may, without a recipient's consent, use, disclose, or redisclose information from a recipient's record to certain entities for specified purposes. Provides that a recipient may opt-out of having his or her record disclosed. Makes other changes. 740 ILCS 110/2, 6, 7, 9, 9.2, 9.4, 9.5, 9.6, 9.7, 9.8, 9.9, 9.10, 9.11, 11, 13.

**Public Act 98-403, effective January 1, 2014.** Amends the State Finance Act. Provides that, whenever a State mental health facility or developmental disabilities facility operated by the Department of Human Services is closed, the Department of Human

Services, at the direction of the Governor, shall transfer funds from the closed facility to the appropriate line item providing appropriation authority for the new venue of care. Amends the Community Services Act to make conforming changes. 30 ILCS 105/5; 405 ILCS 30/4.6.

**Public Act 98-440, effective August 6, 2013.** Amends the Newborn Metabolic Screening Act. Provides that the Department of Public Health shall promulgate and enforce rules and regulations requiring that every newborn be subjected to tests for genetic, metabolic, and congenital anomalies as the Department may deem necessary (rather than tests for phenylketonuria, hypothyroidism, galactosemia and such other metabolic diseases as the Department may deem necessary from time to time). Deletes definitions of and references to "expanded screening" and "tandem mass spectrometer." Sets forth the General Assembly's finding concerning critical congenital heart disease. Provides that the Department of Public Health shall require that screening tests for critical congenital heart defects be performed at birthing hospitals and birth centers in accordance with a testing protocol adopted by the Department, by rule, in line with current standards of care, such as pulse oximetry screening, and may authorize screening tests for additional congenital anomalies to be performed at birthing hospitals and birth centers in accordance with a testing protocol adopted by the Department, by rule. Moves and makes changes to the provisions concerning collected specimens and a registry of cases. Moves the provisions concerning services and consultations and treatment formulas. Sets forth provisions concerning the Genetic and Metabolic Diseases Advisory Committee under the Genetic and Metabolic Diseases Advisory Committee Act. Provides that no new screening may begin prior to certain occurrences. Moves the provisions concerning lysosomal storage disorders, severe combined immunodeficiency disease, and mucopolysaccharidosis disorders. Amends the Genetic and Metabolic Diseases Advisory Committee Act to provide that members of the Genetic and Metabolic Diseases Advisory Committee may receive compensation for necessary expenses incurred in the performance of their duties. Makes other changes. 410 ILCS 240/1, 1.5, 1.10, 2, 3.1, 3.2, 3.3; 410 ILCS 265/5.

**Public Act 98-448, effective January 1, 2014.** Amends the Home Health, Home Services, and Home Nursing Agency Licensing Act. Provides that a physician licensed in another state may oversee or direct the delivery of skilled home care services provided by home health and home nursing agencies licensed in Illinois following care or treatment originally provided to the patient in the state in which the physician is licensed to practice medicine until care is transitioned to a physician licensed to practice medicine in all its branches in Illinois under certain specified conditions, including: (i) contact between the patient's out-of-state physician and the patient's primary care physician in Illinois, if any; (ii) the initial transition period may not exceed 90 days from the date of the order for skilled home care services; and (iii) a copy of the license of the out-of-state physician must be retained in the patient's chart. Provides that in connection with a physician licensed in another state that is overseeing or directing the delivery of a skilled home care service for a patient whose care is transitioned to a physician licensed to practice medicine in all its branches in Illinois, the transition period for the physician licensed in another state may be up to 180 days of skilled home care for patients where home health services are needed to care for 2 or more medical conditions requiring intensive management by 2 or more physicians. Provides that any significant change in the patient's condition shall be communicated by the Illinois licensed agency to the out-of-state physician and the patient's Illinois licensed physician. 210 ILCS 55/6.4.

**Public Act 98-479, effective January 1, 2014.** Amends the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois. Sets forth the General Assembly's findings concerning breast cancer patient education. Provides that the Director of Public Health shall provide for the planning and implementation of an education campaign to inform breast cancer patients, especially those in racial and ethnic minority groups, anticipating surgery regarding the availability and coverage of breast reconstruction, prostheses, and other options. Provides that the campaign shall include the dissemination, at a minimum, on relevant State health Internet websites, including the Department of Public Health's Internet website, of certain information. Pro-

vides that beginning no later than 2 years after the effective date of the amendatory Act and continuing each second year thereafter, the Director shall submit to the General Assembly a report describing the activities carried out under the provision concerning breast reconstruction education during the preceding 2 fiscal years, including evaluating the extent to which the activities have been effective in improving the health of racial and ethnic minority groups. 20 ILCS 2310/2310-665.

**Public Act 98-480, effective January 1, 2014.** Amends the Communicable Disease Prevention Act. Requires the Department of Public Health to adopt a rule requiring students, upon entering the 6th and 12th grade of any public, private, or parochial school, to receive an immunization containing meningococcal conjugate vaccine. 410 ILCS 315/1.10.

**Public Act 98-493, effective August 16, 2013.** Amends the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois to create the Hepatitis C Task Force. Sets forth the findings and declarations of the General Assembly. Provides that the purpose of the Task Force shall be to: (1) develop strategies to identify and address the unmet needs of persons with hepatitis C in order to enhance the quality of life of persons with hepatitis C by maximizing productivity and independence and addressing emotional, social, financial, and vocational challenges of persons with hepatitis C; (2) develop strategies to provide persons with hepatitis C greater access to various treatments and other therapeutic options that may be available; and (3) develop strategies to improve hepatitis C education and awareness. Sets forth provisions concerning membership, meetings, and Task Force assistance and staff support. Provides that the Task Force shall report its findings and recommendations to the Governor and to the General Assembly, along with any legislative bills that it desires to recommend for adoption by the General Assembly, no later than December 31, 2015. Repeals the Section on January 1, 2016. 20 ILCS 2310/2310-665.

## Minors

**Public Act 98-349, effective January 1, 2014.** Amends the Tanning Facility Permit Act. Provides that a tanning facility may not permit any person less than 18 years of

age, regardless of whether the person has the permission of a parent or guardian, to use tanning equipment or a device defined as equipment that emits ultraviolet (UV) radiation used for tanning of the skin, such as a sunlamp, tanning booth, or tanning bed that emits electromagnetic radiation with wavelengths in the air between 200 and 400 nanometers. Provides that "tanning equipment" includes any accompanying equipment, such as protective eye wear, timers, and handrails, and does not include certain devices. 210 ILCS 145/25.

**Public Act 98-350, effective January 1, 2014.** Amends the Prevention of Tobacco Use by Minors and Sale and Distribution of Tobacco Products Act. Provides that a person, either directly or indirectly by an agent or employee, or by a vending machine owned by the person or located in the person's establishment, may not sell, offer for sale, give, or furnish any alternative nicotine product, or any cartridge or component of an alternative nicotine product, to a person under 18 years of age. Provides that before selling, offering for sale, giving, or furnishing an alternative nicotine product, or any cartridge or component of an alternative nicotine product, to another person, the person selling, offering for sale, giving, or furnishing the alternative nicotine product shall verify that the person is at least 18 years of age by: (1) examining from any person that appears to be under 27 years of age a government-issued photographic identification that establishes the person is at least 18 years of age or (2) for sales made through the Internet or other remote sales methods, performing an age verification through an independent, third-party age verification service that compares information available from public records to the personal information entered by the person during the ordering process that establishes the person is 18 years of age or older. Establishes penalties. 720 ILCS 675/1.5, 2.

**Public Act 98-453, effective August 16, 2013.** Amends the Abused and Neglected Child Reporting Act. Provides that by January 1, 2014, the Department of Children and Family Services shall promulgate rules establishing criteria and standards for labeling an unfounded report as an intentional false report in the central register and that the rules shall permit the reporter to submit a statement regarding the report unless the report-

er has been convicted of knowingly transmitting a false report to the Department under a specified provision of the Criminal Code of 2012. Provides that if the child is the subject of an action under Article II of the Juvenile Court Act of 1987, and the report was made while a guardian ad litem was appointed for the minor under the Juvenile Court Act of 1987, then the minor shall, through the minor's attorney or guardian ad litem appointed under the Juvenile Court Act of 1987, have the right to participate and be heard in such hearing as defined under the Department of Children and Family Services' rules. Contains provisions concerning requests for the Department to review unfounded reports and Department rules addressing such requests. 325 ILCS 5/7.7, 7.14, 7.16, 7.21, 7.22.

**Public Act 98-455, effective January 1, 2014.** Amends the Adoption Act. Defines "habitual residence," "interstate adoption," "endorsement letter," and "denial letter." Deletes the definitions of "foreign placing agency" and "non-compact state." Changes the definitions of "intercountry adoption," "Intercountry Adoption Coordinator," "Interstate Compact on the Placement of Children," and "preadoption requirements." Replaces language concerning the placement of children under the Act with provisions concerning: the placement of children within the State, the placement of out-of-state children into Illinois; private placing agencies; and intercountry adoptions. Provides for the review of the issuance of a denial letter by the Intercountry Adoption Coordinator. Requires the Department of Children and Family Services to annually report to the General Assembly concerning intercountry adoptions. 750 ILCS 50/1, 2.1, 4.1, 6.

**Public Act 98-462, effective January 1, 2014.** Amends the Illinois Marriage and Dissolution of Marriage Act. Provides that if the court awards joint custody or visitation rights, the court may consider, consistent with the best interest of the child, whether to award to one or both of the parties the right of first refusal to provide child care for the minor child or children during the other parent's normal parenting time, unless the need for child care is attributable to an emergency. Provides that "right of first refusal" means that if a party intends to leave the minor child or children with a substitute child-care provider for a significant period of time,

that party must first offer the other party an opportunity to personally care for the minor child or children. Provides that the parties may agree to a right of first refusal, but if they do not and the court determines that a right of first refusal is in the best interest of the child, the court shall consider an make provisions in its order for specified considerations relating to the right of first refusal. Provides that the new provisions are enforceable under the Section of the Act concerning visitation abuse. Provides that the right of first refusal are terminated upon the termination of custody or visitation rights. 750 ILCS 5/602.3.

**Public Act 98-476, effective January 1, 2014.** Amends the Illinois Parentage Act of 1984. Provides that a person is not entitled to custody of or visitation with a child without the consent of the child's mother or guardian if the person is found by clear and convincing evidence to have committed an act of non-consensual sexual penetration for his conduct in fathering that child and provides that the child's mother or guardian may decline support and maintenance obligations from such a father. Provides that a man who has fathered a child through sexual assault or sexual abuse is not entitled to any inheritance or other rights from the child without the consent of the child's mother or guardian. Provides that notwithstanding any provision of the Illinois Marriage and Dissolution of Marriage Act, the parent, grandparent, great-grandparent, or sibling of a man who has fathered a child through sexual assault or sexual abuse does not have standing to bring an action requesting custody or visitation with the child without the consent of the child's mother or guardian. Provides that the child's mother or guardian may file a petition under the new provisions either as an affirmative petition or as an affirmative defense in any proceeding filed by a man who has fathered a child through sexual assault or sexual abuse. 750 ILCS 45/6.5.

**Public Act 98-477, effective August 16, 2013.** Amends the Juvenile Court Act of 1987. Provides that a motion to reinstate parental rights may be filed by the minor, as well as the Department of Children and Family Services. 705 ILCS 405/2-34.

**Public Act 98-487, effective January 1, 2014.** Amends the Abused and Neglected Child Reporting Act. Provides that within 60



days after the notification of the completion of the Child Protective Service Unit investigation, determined by the date of the notification sent by the Department of Children and Family Services, the perpetrator named in the notification (rather than a subject of a report) may request the Department to amend the record or remove the record of the report from the register, except that the 60-day deadline for filing a request to amend the record or remove the record of the report from the State Central Register shall be tolled until after the conclusion of any criminal court action in circuit court or after adjudication in any juvenile court action concerning the circumstances that give rise to an indicated report. Provides that the perpetrator shall have the right to a timely hearing (rather than if the Department disregards any request to do so or does not act within 10 days, the subject shall have a right to a hearing) to determine whether the record of the report should be amended or removed on the grounds that it is inaccurate or it is being maintained in a manner inconsistent with this Act, except that there shall be no such right to a hearing on the ground of the report's inaccuracy if there has been a court finding of child abuse or neglect or a criminal finding of guilt as to the perpetrator (rather than if there has been a court finding of child abuse or neglect, the report's accuracy being conclusively presumed on such finding). Provides that if the minor, who is the victim named in the report sought to be amended or removed from the State Central Register, is the subject of a pending action under Article II of the Juvenile Court Act of 1987, and the report was made while a guardian ad litem was appointed for the minor, then the minor shall, through the minor's attorney or appointed guardian ad litem, have the right to participate and be heard in such hearing as defined under the Department's rules. Makes other changes. 325 ILCS 5/7.16.

**Public Act 98-532, effective January 1, 2014.** Amends the Adoption Act. Makes various changes in provisions including in the definition of "unfit person" a parent who fails to make reasonable efforts to correct specified conditions or reasonable progress toward the return of the child so that the provisions include: failure by a parent to make reasonable efforts to correct the conditions that were the basis for the removal of the child from the parent during any 9-month

period following the adjudication of neglected or abused minor or dependent minor; and failure by a parent to make reasonable progress toward the return of the child to the parent during any 9-month period following the adjudication. Makes other changes. 750 ILCS 50/1.

**Public Act 98-536, effective August 23, 2013.** Amends the Juvenile Court Act of 1987. Provides that persons 18 years of age and older who have a petition of delinquency filed against them may be confined in an adult detention facility. Provides that in making a determination whether to confine a person 18 years of age or older who has a petition of delinquency filed against the person, these factors among other matters shall be considered: (1) the age of the person; (2) any previous delinquent or criminal history of the person; (3) any previous abuse or neglect history of the person; (4) any mental health history of the person; and (5) any educational history of the person. 705 ILCS 405/5-710.

**Public Act 98-568, effective January 1, 2014.** Amends the Probate Act of 1975. Provides that any time after the appointment of a temporary custodian under certain provisions of the Juvenile Court Act of 1987, a court may vacate any short-term guardianship for the minor if the vacation is consistent with the minor's best interests as determined using the factors listed in the Juvenile Court Act of 1987. Provides that with respect to vacating a short-term guardianship notice must first be given to all parties, including the short-term guardian. 755 ILCS 5/11-5.4

### Motor Vehicles and Driver's Licenses

**Public Act 98-323, effective January 1, 2014.** Amends the Property Tax Code. Removes a requirement that the third member of an appointed board of review shall be a member of the party polling the second highest vote for the applicable county office. Provides that the third member may not be affiliated with the same political party as the other 2 members. Makes changes concerning complaints filed with board of review. Provides that, if a complaint is filed by an attorney on behalf of a taxpayer, all notices and correspondence from the board relating to the appeal shall be directed to the attorney. Provides that, if a complaint does not comply with the board of review rules, the

board shall send a notice identifying which rules have not been complied with and must provide the complainant with not less than 10 business days to bring the complaint into compliance. 15 ILCS 335/4, 5; 625 ILCS 5/6-106, 6-110.

**Public Act 98-334, effective August 13, 2013.** Amends the Roadside Memorial Act. Re-enacts the fatal accident memorial marker program and provides that this Act may be referred to as Adam's Law. 605 ILCS 125/23.1.

**Public Act 98-337, effective January 1, 2014.** Amends the Illinois Vehicle Code. Creates separate offenses for exceeding the speed limit in a construction or maintenance zone when workers are present and exceeding the speed limit in a construction or maintenance zone when workers are not present. Limits the provision on suspending a person's driver's license for multiple violations of the speed limit for construction zones to violations that occurred while workers were present. 625 ILCS 5/11-605.1.

**Public Act 98-360, effective January 1, 2014.** Amends the Illinois Vehicle Code. Creates the Illinois Police K-9 Memorial Fund. Allows the Secretary of State to issue Illinois Police K-9 Memorial Plates. Charges \$40 for the issuance of these plates, \$25 of which will go to the Illinois Police K-9 Memorial Fund and \$15 of which will go the Secretary of State Special License Fund. Charges \$27 for renewal, \$25 of which will go to the Illinois Police K-9 Memorial Fund and \$2 of which will go to the Secretary of State Police Special License Fund. Allows distribution of money in the Illinois Police K-9 Memorial Fund to the Northern Illinois Police K-9 Memorial for the construction, operation, and maintenance of a police K-9 memorial monument. 625 ILCS 5/3-699.

**Public Act 98-376, effective August 1, 2014.** Amends the Illinois Vehicle Code. Provides for the issuance of Public Safety Diver special license plates. Provides that the applicant shall pay an additional fee of \$45 for original issuance of the plates, of which \$30 shall be deposited into the Public Safety Diver Fund and \$15 shall be deposited into the Secretary of State Special License Plate Fund. Provides that an additional fee of \$27 shall be charged for each renewal, of which \$25 shall be deposited into the Public Safety

Diver Fund and \$2 shall be deposited into the Secretary of State Special License Plate Fund. Provides that money in the Public Safety Diver Fund shall be paid to the Illinois Law Enforcement Training Standards Board for the purposes of providing training, standards, equipment, and facilities to all public safety disciplines involved in public safety diving and water rescue services, with a primary focus toward volunteer responders. 625 ILCS 5/3-699.

**Public Act 98-382, effective January 1, 2014.** Amends the Illinois Vehicle Code. Provides for the issuance of The H Foundation - Committed to a Cure for Cancer plates. Sets the cost of issuance at \$40, \$25 of which will go to the Committed to a Cure Fund and \$15 of which will go to the Secretary of State Special License Plate Fund, and \$27 for renewal, \$25 of which will go to the Committed to a Cure Fund and \$2 of which will go to the Secretary of State Special License Plate Fund. Provides that money in the Committed to a Cure Fund shall be distributed, subject to appropriation by the General Assembly, to the Robert H. Lurie Comprehensive Cancer Center of Northwestern University for scientific research related to cancer.

**Public Act 98-395, effective January 1, 2014.** Amends the State Finance Act and Illinois Vehicle Code to provide for the issuance of Retired Law Enforcement license plates to residents of Illinois who meet eligibility requirements prescribed by the Secretary of State. Creates the Illinois Sheriffs' Association Scholarship and Training Fund as a special fund in the State treasury. Provides that the applicant shall pay an additional fee of \$25 for original issuance of the plates, of which \$10 shall be deposited into the Illinois Sheriffs' Association Scholarship and Training Fund and \$15 shall be deposited into the Secretary of State Special License Plate Fund. Provides that an additional fee of \$25 shall be charged for each renewal, of which \$23 shall be deposited into the Illinois Sheriffs' Association Scholarship and Training Fund and \$2 shall be deposited into the Secretary of State Special License Plate Fund. Provides that moneys in the Illinois Sheriffs' Association Scholarship and Training Fund shall be paid as grants to the Illinois Sheriffs' Association for specified purposes. 30 ILCS 105/5.826; 625 ILCS 5/3-699.

Public Act 98-396, effective January 1, 2014. Amends the Illinois Vehicle Code provisions on obedience to traffic officers and powers of local authorities. Provides that local authorities may certify persons to act as traffic control for processions or assemblages, and that persons so certified must be obeyed in the same manner as a police officer, firefighter, or crossing guard for the limited purpose of directing traffic. 625 ILCS 5/11-203, 11-208.

**Public Act 98-405, effective January 1, 2014.** Amends the Illinois Vehicle Code. Expands the list of health impairments qualifying a person as disabled to include mobility limitations resulting from cancer or its treatment. 625 ILCS 5/1-159.1.

**Public Act 98-406, effective January 1, 2014.** Amends the Illinois Vehicle Code. Creates Legion of Merit plates for residents of Illinois that have received the Legion of Merit award. Provides that the design of such plates is within the discretion of the Secretary of State. Provides that there shall be no fee for the issuance or renewal of these plates. 625 ILCS 5/3-699.

**Public Act 98-409, effective January 1, 2014.** Amends the Illinois Vehicle Code. Extends the model years of Special Hauling Vehicles by 10 years. 625 ILCS 5/15-111.

**Public Act 98-410, effective January 1, 2014.** Amends the Illinois Vehicle Code. Provides that a 3-axle truck mixer registered as a Special Hauling Vehicle, used exclusively for the mixing and transportation of concrete in the plastic state, may, when laden, transmit upon the road surface, except when on part of the National System of Interstate and Defense Highways, the following maximum weights: 22,000 pounds on a single axle; 40,000 pounds on a tandem axle; 40,000 pounds gross weight on a 2-axle vehicle; and 54,000 pounds gross weight on a 3-axle vehicle. Provides that a 3-axle combination sewer cleaning jetting vacuum truck registered as a Special Hauling Vehicle, used exclusively for the transportation of non-hazardous solid waste, may, when laden, transmit upon the road surface, except when on part of the National System of Interstate and Defense Highways, the following maximum weights: 22,000 pounds on a single axle; 40,000 pounds on a tandem axle; 54,000 pounds

gross weight on a 3-axle vehicle. Provides that both of these vehicles are not subject to the bridge formula. Removes provisions limiting to vehicles manufactured before or in the model year of 2014 and first registered in Illinois before January 1, 2015 the applicability of weight limit exceptions for certain 4-axle special hauling vehicles. 625 ILCS 5/15-111.

**Public Act 98-418, effective August 16, 2013.** Amends the Illinois Vehicle Code. Provides that a person's driver's license, permit, or privilege to obtain a driver's license or permit may be subject to multiple simultaneous suspensions or revocations. Provides that one suspension or revocation does not negate any others. Provides that graduated penalties for repeat violations of driving on a suspended or revoked license may be imposed if the prior convictions were for driving on a license that was suspended or revoked for any of the following reasons: (1) driving under the influence, (2) failing to stop the vehicle after being involved in an accident involving death or personal injury, (3) refusing to submit to chemical testing upon suspicion of driving under the influence, or (4) reckless homicide. 625 ILCS 5/6-303.

**Public Act 98-428, effective August 16, 2013.** Amends the Renter's Financial Responsibility and Protection Act. Provides that beginning January 1, 2014, the amount that a rental company may charge for a collision damage waiver shall increase to \$13.50 per day. 625 ILCS 27/15.

**Public Act 98-436, effective January 1, 2014.** Amends the Illinois Vehicle Code. Provides that motor vehicles used by fire departments or for fire protection services are eligible for \$8 permanent registration plates, as long as those plates indicate the fire protection service that owns the vehicle. Provides that the Secretary of State shall put procedures in place to allow fire protection services in possession of these plates to transfer those plates at no additional charge. 625 ILCS 5/3-808.1.

**Public Act 98-442, effective January 1, 2014.** Amends the Illinois Procurement Code, the Illinois Highway Code, and the Toll Highway Act. Provides that on and after January 1, 2016, 25% of all vehicles purchased with State funds shall be vehicles fueled by

electricity, compressed natural gas, liquid petroleum gas, or liquid natural gas. Provides that the Department of Transportation may provide electric vehicle charging stations at rest areas on interstate highways by January 1, 2016, or as soon as possible thereafter where providing these stations and the charging of user fees is allowed by federal regulation. Provides that the Department of Transportation may adopt rules regarding the type, place of erection, user fees, and maintenance of charging stations. Provides that by January 1, 2016, the Toll Highway Authority shall construct and maintain at least one electric vehicle charging station at any location where the Authority has entered into an agreement with any entity for the purposes of providing motor fuel service stations and facilities, garages, stores, or restaurants along the toll highways. Directs the Authority to adopt rules to implement these requirements. 30 ILCS 500/25-75; 605 ILCS 5/223; 605 ILCS 10/11.

**Public Act 98-450, effective January 1, 2014.** Amends the Illinois Vehicle Code. Changes the fee schedule for new and used vehicle dealers that is charged for inclusion in the Dealer Recovery Trust Fund to a graduated payment schedule based on the number of cars sold in the previous year. Provides that the fees for renewal of license are: (i) \$150 for automobile dealers selling more than 25 but fewer than 200 automobiles per year; (ii) \$300 for automobile dealers selling 200 or more automobiles but less than 300 automobiles per year; and (iii) \$500 for automobile dealers selling 300 or more automobiles a year. Provides that dealers selling less than 25 vehicles a year are considered dealers for the purpose of the Dealer Recovery Trust Fund, but shall not be charged an Annual Dealer Recovery Fund fee. Extends the time for a person to make a claim to the Dealer Recovery Trust Fund from 9 months to 2 years. 625 ILCS 5/5-101, 5-102, 5-102.7.

**Public Act 98-451, effective August 16, 2013.** Amends the Illinois Vehicle Code. Provides that the exception to safety belt requirements does not apply to vehicles of the fire department; vehicles of the Office of the State Fire Marshal; or ambulances, unless the delivery of life-saving measures prohibits the use of a seat safety belt. 625 ILCS 5/12-603.1.

**Public Act 98-452, effective January**

**1, 2014.** Amends the Emergency Medical Services (EMS) Systems Act to make different changes with respect to vehicle service providers. Requires the Department of Public Health to: (i) establish requirements for license renewal at intervals determined by the Department, which shall be not less than every 4 years; (ii) annually inspect all licensed vehicles operated by Vehicle Service Providers; and (iii) charge each Vehicle Service Provider a fee per transport vehicle, due annually at the time of inspection. 210 ILCS 50/3.85.

**Public Act 98-468, effective August 16, 2013.** Amends the Illinois Vehicle Code. Provides that the definition of "authorized emergency vehicle" includes vehicles of the Illinois Department of Corrections and vehicles of the Illinois Department of Juvenile Justice, and exempts those vehicles from certain restrictions on the use of oscillating, rotating or flashing lights on motor vehicles. Removes vehicles of the Department of Nuclear Safety from the list of vehicles allowed to use oscillating, rotating, or flashing lights. Provides that no person not authorized by law may have flashing lights, sirens, or any other indicia of emergency vehicle authority in their vehicles. Provides that a violation of this Section is a Class A misdemeanor. Provides that law enforcement officers may seize both the prohibited equipment and the vehicle that contains the prohibited equipment, and hold both for evidentiary purposes. Provides that the equipment may be returned by the court when it is no longer needed for evidentiary purposes provided that the person can prove to the court by a preponderance of the evidence that the device or mechanism will be used for a legitimate and lawful purpose. 625 ILCS 5/1-105, 12-215, 12-215.1.

**Public Act 98-469, effective August 16, 2013.** Amends the State Finance Act and Illinois Vehicle Code to provide for the issuance of Illinois State Police Memorial Park license plates. Creates the Illinois State Police Memorial Park Fund as a special fund in the State treasury. Provides that the applicant shall pay an additional fee of \$25 for original issuance of the plates, of which \$10 shall be deposited into the Illinois State Police Memorial Park Fund and \$15 shall be deposited into the Secretary of State Special License Plate Fund. Provides that an additional fee of \$25 shall be charged for each renewal, of which \$23 shall be deposited into the Illinois State

Police Memorial Park Fund and \$2 shall be deposited into the Secretary of State Special License Plate Fund. Provides that money in the State Police Memorial Park Fund shall be paid as grants to the Illinois State Police Heritage Foundation, Inc. for specified purposes. 30 ILCS 105/5.826; 625 ILCS 5/3-699.

**Public Act 98-485, effective January 1, 2014.** Amends the Illinois Vehicle Code. Provides that the prohibition on 2 wheeled vehicles passing on the right of another vehicle does not apply to devices propelled by human power. 625 ILCS 5/11-704.

**Public Act 98-489, effective January 1, 2014.** Amends the Illinois Vehicle Code. Provides that operating a motor vehicle without a required certificate of safety is a petty offense with a minimum fine of \$95 and a maximum fine of \$250, unless the violation is contemporaneous with a motor vehicle accident, in which case a violation is a Class C misdemeanor. 625 ILCS 5/13-111.

**Public Act 98-506, effective January 1, 2014.** Amends the Illinois Vehicle Code. Expands the prohibition on driving while using an electronic communication device to include uses beyond composing, sending, or reading an electronic message. Expands the exceptions to include the use of hands-free devices, two-way radios, and electronic devices capable of performing multiple functions as long as these devices are not used for a prohibited purpose. Establishes a graduated fine scale for repeat offenses. Provides that a first offense for driving while using an electronic communication device is not a moving violation. 625 ILCS 5/12-610.2.

**Public Act 98-507, effective January 1, 2014.** Amends the Illinois Vehicle Code. Creates an aggravated offense for driving while using a video device, wireless telephone, or electronic communication device. A person convicted of driving while using a video device, wireless telephone, or electronic communication device commits a Class A misdemeanor if in committing the violation the person was involved in a motor vehicle accident that resulted in great bodily harm, permanent disability, or disfigurement to another and the violation was a proximate cause of the injury. A person convicted of driving while using a video device, wireless telephone, or electronic communication de-

vice commits a Class 4 felony if in committing the violation the person was involved in a motor vehicle accident that resulted in the death of another person and the violation was a proximate cause of the death. 625 ILCS 5/12-604.1, 12-610.1, 12-610.2.

**Public Act 98-511, effective January 1, 2014.** Amends the Illinois Vehicle Code. Provides the maximum speed limit outside an urban district for any vehicle is: (1) 70 miles per hour on any interstate highway; (2) 70 miles per hour for all or part of highways that are designated by the Department of Transportation, have at least 4 lanes of traffic, and have a separation between the roadways moving in opposite directions; and (3) 65 miles per hour for all other highways, roads, and streets. Provides that the counties of Cook, DuPage, Kane, Lake, Madison, McHenry, St. Clair, and Will may adopt ordinances establishing speed limits lower than these speeds. Permits the Department of Transportation and Toll Highway Authority to alter speed limits up to the new maximum speed limit (rather than up to 65 miles per hour). Adds a reduction in the speed required in excess of the legal speed limit to constitute a serious traffic violation for purposes of the Illinois Vehicle Code from 30 MPH or more above the legal speed limit to 26 MPH or more. Alters the change made in the maximum speed limit outside an urban district for any vehicle from 70 miles per hour to 65 MPH for all or part of highways that are designated by the Department, have at least 4 lanes of traffic, and have a separation between the roadways moving in opposite directions; and from 65 miles per hour to 55 MPH for all other highways, roads, and streets. Adds provision reducing by 5 MPH the thresholds for a Class B or Class A misdemeanor speeding violation. 625 ILCS 5/1-187.001, 11-601, 11-601.5, 11-602, 11-603.

**Public Act 98-512, effective January 1, 2014.** Amends the Illinois Vehicle Code. Repeals the Section placing limits on the amount of time an owner can require an employee to operate a motor vehicle. 625 ILCS 5/11-1419.

**Public Act 98-518, effective August 22, 2013.** Amends the Illinois Vehicle Code. Authorizes municipalities to adopt procedures for the impoundment of vehicles used in the commission of a reckless driving offense (a)

as part of a funeral procession or (b) in such a manner that interferes with a funeral procession. 625 ILCS 5/11-208.7.

**Public Act 98-519, effective January 1, 2015.** Amends the Illinois Vehicle Code. Increases the minimum mandatory coverage amounts for liability insurance policies in this State and increases the amounts sufficient to satisfy a judgment following a motor vehicle accident as follows: bodily injury or death to any one person from \$20,000 to \$25,000; bodily injury or death to more than one person from \$40,000 to \$50,000; and injury or destruction of property of others from \$15,000 to \$20,000. 625 ILCS 5/1-164.5, 7-203, 7-311, 7-317.

**Public Act 98-521, effective August 23, 2013.** Amends the Illinois Vehicle Code. Allows insurance companies to provide insurance cards in electronic format. Allows motorists to provide proof of insurance through display of an electronic image on a portable electronic device. Provides that display of an electronic image in this manner does not constitute consent for a law enforcement officer, court, or officer of the court to access other contents of the electronic device. Provides that law enforcement officers, courts, and officers of the court are immune from liability resulting from damage to a mobile electronic device used to present an electronic insurance card. Amends the Illinois Insurance Code. Allows insurance companies to post policies to an Internet website. Sets requirements on the storage and posting of electronically stored information as well as requirements on notice to the insured. Allows insurers to offer discounts to insureds that elect to receive notices and documents electronically. 215 ILCS 5/143.33; 625 ILCS 5/7-602.

**Public Act 98-539, effective January 1, 2014.** Amends the Illinois Vehicle Code. Provides that individuals that provide false insurance information in connection with an application for issuance or renewal of vehicle registration are guilty of a Class C misdemeanor. Provides that registration will not be issued if certain insurance information is not provided. Requires remittance agents to ask for insurance information in connection with an application for issuance or renewal of vehicle registration and to provide this information to the Secretary of State upon remit-

tance. 625 ILCS 5/3-405, 3-415, 3-918.

**Public Act 98-556, effective January 1, 2014.** Amends the Illinois Vehicle Code. Expands the definition of an automated traffic law enforcement system to include cameras installed on school buses that record images of vehicles that overtake or pass the school bus while it is engaged in receiving or disembarking passengers, provided the school bus has the visual signals required by law including extendable stop signs and flashing lights. Provides that municipalities and counties may authorize school districts to enter into contracts with vendors to install and operate an automated traffic law enforcement system on the district's school buses. Provides that violations recorded must be reviewed by certified technicians or law enforcement officers to verify that a violation has occurred. Establishes notice requirements for violations and provides for administrative adjudication of violations. Provides that a first time violation carries a civil penalty of \$150, with subsequent violations carrying a civil penalty of \$500, and that the offense shall not be a moving violation recorded on the driver's driving history. Provides that failure to pay or successfully contest the violation can result in suspension of the driver's license. Provides that recorded images shall be made available to the driver on a website. Requires school buses equipped with cameras to have signs stating that the school bus is equipped with an automated traffic law enforcement system. Requires the municipality or county to list the school districts using automated traffic law enforcement systems on its website. Requires school districts using an automated traffic law enforcement system to post this information on their websites. Requires the municipality or county to conduct a statistical analysis of the safety impact of the use of automated traffic law enforcement systems on school buses. Provides that the elected school boards of individual school districts must approve the use of automated traffic law enforcement systems on their school buses. Provides that after approving the use of an automated traffic law enforcement system, the school district must enter into an intergovernmental agreement with the municipality or county to handle the administration of the automated traffic law enforcement system. Provides that the proceeds of any fines will be divided equally between the school district and the municipality or

county administering the automated traffic law enforcement system. 625 ILCS 5/1-105.2, 6-306.5, 11-208, 11-208.3, 11-208.9.

**Public Act 98-559, effective January 1, 2014.** Amends the Toll Highway Act. Allows the Illinois State Toll Highway Authority to publish the names of toll violators on their website along with the amount of fines and unpaid tolls owed by each violator. Provides that the online listing of unpaid toll violators will only include persons or entities owing at least \$1000 after the exhaustion of administrative remedies. Provides that the online listing may include the name of the person or entity as it appears on the final order of liability. 605 ILCS 10/10.

**Public Act 98-567, effective January 1, 2014.** Amends the Illinois Vehicle Code. Amends the Section on non-highway vehicles to allow non-highway vehicles to cross a highway under the jurisdiction of the State, with the exception of tollways, interstate highways, and controlled access highways, at any intersection of that highway with another public street, road, or highway. Removes the requirement that the highway being crossed have a posted speed limit of 35 miles per hour or less, as well as the requirement that the intersection be controlled by a traffic light or 4-way stop sign. Amends the Boat Registration and Safety Act. Provides that racing shells, rowing sculls, racing canoes, and racing kayaks are not required to carry personal flotation devices as long as they are participating in an event that the Department of Natural Resources has sanctioned as being personal flotation device optional. Provides that the Department of Natural Resources may adopt rules for sanctioning personal flotation device optional events. 625 ILCS 5/11-1426.1; 625 ILCS 45/4-1.

**Public Act 98-573, effective August 27, 2013.** Amends the Illinois Vehicle Code. Amends the offense for driving on a suspended or revoked license so that graduated penalties for repeat violations of this Section require the prior convictions of driving on a suspended or revoked driver's license to have the same underlying cause of suspension or revocation of the driver's license as the current violation. Provides that a person's driver's license, permit, or privilege to obtain a driver's license or permit may be subject to multiple simultaneous suspensions or

revocations. Provides that one suspension or revocation does not negate any others. Provides that graduated penalties for repeat violations of driving on a suspended or revoked license may be imposed if the prior convictions were for driving on a license that was suspended or revoked for any of the following reasons: (1) driving under the influence, (2) failing to stop the vehicle after being involved in an accident involving death or personal injury, (3) refusing to submit to chemical testing upon suspicion of driving under the influence, or (4) reckless homicide. Provides that it is a factor in aggravation of driving under the influence to do so while transporting passengers of any age in a school bus or vehicle for-hire. 625 ILCS 5/6-303, 11-501.

**Public Act 98-577, effective January 1, 2014.** Amends the Illinois Vehicle Code provisions on special decals for parking for persons with disabilities. Provides that for a meter-exempt parking decal the medical condition must be permanent rather than for an estimated duration. Provides that persons with disability decals shall not be exempt from the payment of fees in publicly owned parking structures. 625 ILCS 5/11-1301.1, 1301.2.

### Municipalities

**Public Act 98-311, effective January 1, 2014.** Amends the Illinois Police Training Act. Provides for a training program in animal fighting awareness and humane response for law enforcement officers. Provides that the purpose of the training is to equip law enforcement officers to identify animal fighting operations and respond appropriately. 50 ILCS 705/10.14.

**Public Act 98-312, effective August 12, 2013.** Amends the Illinois Municipal Code. Provides that the corporate authorities of a municipality shall levy and collect taxes, as necessary, for the maintenance of memorials erected in that municipality pursuant to a majority vote on a proposition. 65 ILCS 5/11-116-2.

**Public Act 98-321, effective August 12, 2013.** Amends the Public Utilities Act in relation to an exemption from certain municipal utility taxes with respect to enterprises located in an enterprise zone or a Foreign Trade Zone or Sub-Zone. Extends the availability of the exemption from 2013 to 2017

and reduces the requisite job retention requirement from 1,000 jobs to 750 jobs. 220 ILCS 5/9-222.1.

**Public Act 98-330, effective January 1, 2014.** Amends the Illinois Municipal Code. Provides that the corporate authorities of cities and villages must also maintain storm sewers, detention basins, retention basins, and other "green infrastructure" facilities, such as green roofs, rain gardens, bioswales, tree boxes, porous pavement, porous pipe systems, native plantings, constructed wetlands, and cisterns for drainage purposes. Authorizes corporate authorities to provide for draining or otherwise managing the runoff, such as by infiltration, evapotranspiration, or collection. Permits a combination of special assessment and general taxation. 65 ILCS 5/11-110-1.

**Public Act 98-358, effective January 1, 2014.** Amends the Illinois Police Training Act. Requires police training in the use of electronic control devices, including the psychological and physiological effects of the use of those devices on humans. Provides that beginning January 1, 2014 and ending December 31, 2015, the Illinois Law Enforcement Training Standards Board shall randomly inspect police departments of units of local government and university police departments concerning the use of electronic control devices by law enforcement officers of the departments to determine whether the officers received appropriate training in their use. Provides that the Board shall compile the information from the random inspections and analyze the results. Provides that based on the analysis, the Board shall issue a report and present its report and findings to the Governor and General Assembly on or before June 30, 2016. Provides that the Board in its report may recommend legislation concerning the use of electronic control devices by law enforcement officers and the training of law enforcement officers in the use of those devices. Provides that these provisions are repealed on July 1, 2016. 50 ILCS 705/10.14.

**Public Act 98-420, effective August 16, 2013.** Amends the Local Government Professional Services Selection Act. Provides that whenever a project requiring architectural, engineering, or land surveying services is proposed for a political subdivision,

the political subdivision shall mail or e-mail a notice requesting a statement of interest. Further provides that the political subdivision shall place an advertisement for those professional services on its website requesting a statement of interest, include a description of each project, and state the time and place for interested firms to submit its letter of interest, statement of qualifications, and performance data, as required. 50 ILCS 510/4.

**Public Act 98-434, effective January 1, 2014.** Amends the Illinois Power Agency Act. Provides that a municipality or other aggregator of electrical load has the authority to require disclosure of the fuel type, rather than the source, of the electricity being procured or generated on behalf of the aggregation program customers. Provides that the corporate authorities may consider the proposed source of electricity to be procured or generated to be put into the grid on behalf of aggregation program customers in the bidding process. Provides that the Agency and the Commission may collaborate to issue joint guidance on voluntary uniform standards for bidder disclosures of sources of electricity. 20 ILCS 3855/1-92.

**Public Act 98-436, effective January 1, 2014.** Amends the Illinois Vehicle Code. Provides that motor vehicles used by fire departments or for fire protection services are eligible for \$8 permanent registration plates, as long as those plates indicate the fire protection service that owns the vehicle. Provides that the Secretary of State shall put procedures in place to allow fire protection services in possession of these plates to transfer those plates at no additional charge. 625 ILCS 5/3-808.1.

**Public Act 98-497, effective August 16, 2013.** Amends the Illinois Municipal Code. Provides that Tax Increment Financing Reports must be filed electronically with the Comptroller within 180 days after the close of the municipal fiscal year or as soon thereafter as the audit for the redevelopment project area for that fiscal year becomes available. Allows the Comptroller to grant extensions. Provides that the Comptroller may charge a municipality a fee if the Tax Increment Financing Report is not filed in a timely manner. 65 ILCS 5/8-8-3.5.

**Public Act 98-503, effective August 16,**

**2013.** Amends the Illinois Municipal Code. Provides that in municipalities with a population of 1,000,000 or more, active duty or retired police officers may serve summons for violations of ordinances occurring within their municipalities. 65 ILCS 5/1-2-11.

**Public Act 98-510, effective August 19, 2013.** Amends the Illinois Municipal Code. In a Section regarding examination of applications for a position in the police department of a municipality, provides that the requirement that an applicant possess an associate's degree shall be waived if one or more of the following applies: (1) the applicant has served for 24 months of honorable active duty in the United States Armed Forces and has not been discharged dishonorably or under circumstances other than honorable; or (2) the applicant has served for 180 days of active duty in the United States Armed Forces in combat duty recognized by the Department of Defense and has not been discharged dishonorably or under circumstances other than honorable. Provides that the requirement that an applicant possess a bachelor's degree may be waived if one or more of the following applies: (1) the applicant has served for 36 months of honorable active duty in the United States Armed Forces and has not been discharged dishonorably or under circumstances other than honorable; or (2) the applicant has served for 180 days of active duty in the United States Armed Forces in combat duty recognized by the Department of Defense and has not been discharged dishonorably or under circumstances other than honorable. 65 ILCS 5/10-2-1-6.

**Public Act 98-518, effective August 22, 2013.** Amends the Illinois Vehicle Code. Authorizes municipalities to adopt procedures for the impoundment of vehicles used in the commission of a reckless driving offense (a) as part of a funeral procession or (b) in such a manner that interferes with a funeral procession. 625 ILCS 5/11-208.7.

### New Acts

**Public Act 98-430, effective January 1, 2014.** Creates the Workplace Violence Prevention Act. Provides that an employer may seek an order of protection to prohibit further violence or threats of violence by a person if: (1) the employee has suffered unlawful violence or a credible threat of violence from the person; and (2) the unlawful violence has

been carried out at the employee's place of work or the credible threat of violence can reasonably be constructed to be carried out at the employee's place of work by the person. Provides that an employer may obtain an order of protection under the Illinois Domestic Violence Act of 1986 if the employer: (1) files an affidavit that shows, to the satisfaction of the court, reasonable proof that an employee has suffered either unlawful violence or a credible threat of violence by the defendant; and (2) demonstrates that great or irreparable harm has been suffered, will be suffered, or is likely to be suffered by the employee. Provides that employer remedies under the Act are limited to an order of protection, but that nothing in the Act waives, reduces, or diminishes any other remedy available to an employer under any other mechanism. Provides that the Act does not apply to cases involving or growing out of a labor dispute governed by other State or federal law. Provides that issues of jurisdiction, venue, procedure, and enforcement shall be governed by the Illinois Domestic Violence Act of 1986, and that law enforcement personnel shall have the same responsibilities as provided in that Act.

**Public Act 98-447, effective August 16, 2013.** Creates the Lake Michigan Wind Energy Act. Requires the Department of Natural Resources to develop a detailed offshore wind energy siting matrix for the public trust lands of Lake Michigan. Authorizes the Department, after finalizing the offshore wind energy siting matrix, to grant offshore wind energy development site assessment permits and leases. Authorizes the Department to convert site assessment leases to construction and operation leases. Grants the Department other rulemaking powers. Creates the Offshore Wind Energy Economic Development Policy Task Force. Charges the Task Force with analyzing and evaluating policy and economic options to facilitate the development of offshore wind energy and proposing an appropriate Illinois mechanism for purchasing and selling power from offshore wind energy projects.

**Public Act 98-467, effective January 1, 2014.** Creates the Governor's Office of New Americans Act. Creates the Office of New Americans in the Office of the Governor. Requires the Office to maintain and continue to develop on behalf of the people of the State

of Illinois a New Americans Immigrant Policy that builds upon the strengths of immigrants, their families, and their institutions, and expedites their journey towards self-sufficiency. Requires the Office to identify strategic partnerships with State agencies. Requires each State agency under the jurisdiction of the Governor to develop a New American Plan that incorporates effective training and resources, ensures culturally and linguistically competent and appropriate services, and includes administrative practices that reach out to and reflect the needs of the immigrant populations and populations with limited English proficiency.

**Public Act 98-515, effective August 22, 2013.** Creates the Illinois Small Business and Workforce Development Task Force Act. Provides that the Task Force shall consist of 17 members. Provides for each legislative leader to appoint 4 members to the Task Force with one appointee to be a member representing small business, one appointee to be a member representing labor, and 2 appointees to be members of the General Assembly. Designates the Chairperson of the Board of Trustees of the University of Illinois, or his or her designee, to serve as chair of the Task Force. Provides that the University of Illinois shall provide administrative support to the Task Force. Directs the Task Force to identify issues of importance to small business and to report its findings and recommendations by November 30, 2013 and each November 30 thereafter. Provides for repeal on January 1, 2017.

**Public Act 98-516, effective August 22, 2013.** Creates the Bill of Rights for the Homeless Act. Sets forth certain rights of homeless persons. Provides that in any civil action alleging a violation of the Act, the court may award appropriate injunctive and declaratory relief, actual damages, and reasonable attorney's fees and costs to a prevailing plaintiff. Among other things, provides that a person experiencing homelessness has the right not to face discrimination while maintaining employment due to his or her lack of permanent mailing address, or his or her mailing address being that of a shelter or social service provider. Defines "housing status" to mean the status of having or not having a fixed or regular residence, including the status of living on the streets, in a shelter, or in a temporary residence.

**Public Act 98-524, effective August 23, 2013.** Creates the Insurance Navigator Certification Act. Provides that no individual or entity shall perform, offer to perform, or advertise any service as a navigator in this State or receive navigator grant funding from the U.S. Department of Health and Human Services, the State, or an exchange or private funds unless certified as a navigator by the Director of Insurance under the Act. Sets forth provisions concerning permitted and prohibited activities; applications for certification; certificate renewal; referrals; certificate denial, nonrenewal, and revocation; reporting requirements; certified application counselors; and the Act's relationship to other laws and rulemaking authority. With regard to the prohibitions against a navigator or certified application counselor selling, soliciting, or negotiating insurance, specifies that the terms sell, solicit, or negotiate are as defined in the Insurance Producers, Limited Insurance Representatives and Registered Firms Article of the Illinois Insurance Code. With regard to the prohibition against navigators and certified application counselors providing any information or services related to health benefit plans or other insurance products not offered in the exchange, provides an exception for health care providers when furnishing information or services related to a patient's existing health benefit plan or other existing health insurance coverage. Contains a severability clause.

**Public Act 98-564, effective August 27, 2013.** Creates the Elmwood Park Grade Separation Authority Act. Sets forth the General Assembly's declarations regarding the need for the Elmwood Park Grade Separation Authority and creates the Authority. Sets forth the following: (1) procedural capacity of the Authority; (2) the power of the Authority to acquire, sell, and exchange property; (3) the power of the Authority to accept grants, loans, and appropriations; and (4) the power of the Authority to borrow money and issue bonds. Provides for the composition and qualification of the Board, including the secretary and treasurer. Requires the Authority to prepare reports and financial statements. Amends the Eminent Domain Act. Provides the Elmwood Park Grade Separation Authority with the power to acquire property by condemnation or eminent domain.

**Public Act 98-569, effective January 1, 2014.** Creates the Freedom from Drone Surveillance Act. Provides that a law enforcement agency may not use a drone to gather information, except as permitted by this Act. Permits the use of a drone by a law enforcement agency in specified circumstances. Provides that information obtained or collected in violation of the Act is not admissible as evidence in any criminal, civil, administrative, or other proceeding. Establishes certain information retention and reporting requirements concerning drone ownership and use.

**Public Act 98-589, effective January 1, 2014.** Creates the Grant Information Collection Act. Requires the Chief Information Officer of the State, as designated by the Governor, to coordinate with each State agency to develop, with any existing or newly available resources and technology, appropriate systems to accurately report data containing financial information. Requires each grantor agency that is authorized to award grants funds to an entity other than the State of Illinois to coordinate with the Chief Information Officer of the State to periodically provide for publication, at [data.illinois.gov](http://data.illinois.gov) or any other publicly accessible website designated by the Chief Information Officer, of data sets containing information regarding awards of grant funds that the grantor agency has made during the previous fiscal year.

**Public Act 98-597, effective June 1, 2014.** Creates the Religious Freedom and Marriage Fairness Act. Contains provisions regarding legislative purpose, rules of construction, and severability. Provides that all laws of this State applicable to marriage apply equally to marriages of same-sex and different-sex couples and their children; parties to a marriage and their children, regardless of whether the marriage is of a same-sex or different-sex couple, have the same benefits, protections, and responsibilities under law; parties to a marriage are included in any definition or use of terms such as "spouse," "family," "immediate family," "dependent," "next of kin," "wife," "husband," "bride," "groom," "wedlock," and other terms that refer to or denote the spousal relationship, as those terms are used throughout the law, regardless of whether the parties to a marriage are of the same sex or different sexes; and, to the extent that laws of this State adopt, refer to, or rely upon provisions of federal law as ap-

plicable to this State, parties to a marriage of the same sex and their children shall be treated under the laws of this State as if federal law recognized the marriages of same-sex couples in the same manner as the laws of this State. Amends the Illinois Marriage and Dissolution of Marriage Act. Makes changes concerning: parties who may marry; solemnization; use of a parish hall or other religious facility for solemnization or celebration of a marriage; prohibited marriages; and jurisdiction. Amends the Illinois Religious Freedom Protection and Civil Union Act to make changes and additions regarding recognition of marriages and to authorize the voluntary conversion of a civil union to a marriage under specified circumstances. Contains severability provisions. Makes other changes.

### Not-For-Profit Corporations

**Public Act 98-302, effective January 1, 2014.** Amends the General Not For Profit Corporation Act of 1986. Provides that there must be an open meeting and vote of the membership before a residential housing cooperative may be dissolved. 805 ILCS 105/107.10, 112.10, 112.12.

**Public Act 98-317, effective August 12, 2013.** Amends the General Not For Profit Corporation Act of 1986. Allows cooperatives that own and operate agriculture-based biogas (anaerobic digester) systems to organize as a non-profit. Activities of the cooperatives may include the marketing and sale of biogas system products including but not limited to methane gas, electricity, and compost. 805 ILCS 105/103.05.

### Pensions

**Public Act 98-389, effective August 16, 2013.** Amends the Illinois Municipal Retirement Fund (IMRF) Article of the Illinois Pension Code. Provides that an annuitant shall be considered a participating employee if he or she returns to work as an employee with a participating employer and works more than 599 hours annually (or 999 hours annually with a participating employer that has adopted a resolution excluding from participation in IMRF any person employed in a position normally requiring performance of duty for less than 1000 hours per year). Specifies that each of these annual periods shall commence on the month and day upon which the annuitant is first employed with the participating employer following the effective date of the annuity. Amends the State

Mandates Act to require implementation without reimbursement. 40 ILCS 5/7-144; 30 ILCS 805/8.37.

**Public Act 98-391, effective August 16, 2013.** Amends the Downstate Firefighter Article of the Illinois Pension Code. In certain cases where a deceased firefighter left a surviving minor child but no surviving spouse, increases the pension payable to the guardian of the child from 12% to 20% of the firefighter's monthly salary. For eligible persons receiving the 12% pension on the effective date, the increase takes effect on the pension payment date occurring on or next following the effective date of this amendatory Act. Applies without regard to whether the deceased firefighter was in service on or after the effective date of this amendatory Act. Amends the State Mandates Act to require implementation without reimbursement. 40 ILCS 5/4-114.

**Public Act 427, effective August 16, 2013.** Amends the Chicago Teacher Article of the Illinois Pension Code. In the definition of "member," specifies that an employer may not reclassify a non-hourly employee as an hourly employee for the purpose of evading or avoiding its obligations. Provides that any certified teacher or staff employed by a corporate or non-profit entity engaged in the administration of a charter school shall presumptively be a participant in the Fund, unless the organization establishes to the satisfaction of the Board that an individual certified teacher or staff member is not working as a teacher or administrator directly or indirectly with the Charter School. Changes and imposes penalties for failure to submit payroll records and pension contributions on time. Provides that an employer in possession of member contributions deducted from payroll checks is holding Fund assets, and thus becomes a fiduciary over those assets. Requires each Charter School to appoint a Pension Officer. Amends the State Mandates Act to require implementation without reimbursement. 40 ILCS 5/17-106, 17-132; 30 ILCS 805/8.37.

**Public Act 98-433, effective August 16, 2013.** Amends the General Provisions Article of the Illinois Pension Code. In a Section requiring the use of a competitive selection process for obtaining investment services, creates an additional exception for "con-

tracts for follow-on funds with the same fund sponsor through closed-end funds." 40 ILCS 5/1-113.14.

**Public Act 98-439, effective August 16, 2013.** Amends the Illinois Municipal Retirement Fund (IMRF) Article of the Illinois Pension Code. Provides that, for service transferred from a downstate police pension fund under a specific provision, credits and creditable service shall be granted upon transfer of those credits to IMRF. Specifies that if the board determines that the amount transferred is less than the true cost to the Fund of allowing that creditable service to be established, then in order to establish that creditable service, the member must pay to the Fund an additional contribution equal to the difference, as determined by the board in accordance with the rules and procedures adopted by the Fund. Provides that if the member does not make the full additional payment prior to termination of his participation with that employer, then his or her creditable service shall be reduced by an amount equal to the difference between the amount transferred and the true cost to the Fund of allowing that creditable service to be established, as determined by the board in accordance with the rules and procedures that it adopts. Authorizes the board to establish, by rule, the manner of making these calculations. 40 ILCS 5/7-139.

**Public Act 98-449, effective August 16, 2013.** Amends the State Employee Article of the Illinois Pension Code. Provides that, for service on or after July 1, 2013, "compensation" does not include any stipend payable to an employee for service on a board or commission. Amends the Chicago Teacher Article of the Illinois Pension Code. Makes changes concerning the composition and election of members of the Board of Trustees of the Public School Teachers' Pension and Retirement Fund. 40 ILCS 5/14-103.10, 17-137, 17-138, 17-139.

**Public Act 98-491, effective January 1, 2014.** Amends the Deferred Compensation Article of the Illinois Pension Code. Provides that to the extent that federal law or regulations have been changed to allow plans established under Section 457 of the Internal Revenue Code to be amended to allow designated Roth contributions and in-plan rollovers to designated Roth accounts, the



Department of Central Management Services and units of local government with such plans shall within a reasonable time amend their plans accordingly. 40 ILCS5/24-105.1.

**Public Act 98-551, effective August 27, 2013.** Amends the Cook County Article of the Illinois Pension Code. Provides that the determination of salary shall be based upon the actual sum paid and reported to the Fund, excludes amounts for "extra service." Defines "salary" for disability purposes. Defines the term "earned annuity." Authorizes the Board of Trustees to have any records kept by the Board photographed, microfilmed, or digitally or electronically reproduced; specifies that the reproductions shall be deemed original records and documents for all purposes, including introduction in evidence before all courts and administrative agencies. Requires the reproduction to be in accordance with the Local Records Act. Makes other changes. 40 ILCS 5/9-112, 9-119.1, 9-190, 9-202.1.

**Public Act 98-596, effective November 19, 2013.** Creates the University of Illinois School of Labor and Employment Relations Act to provide that the Board of Trustees of the University of Illinois shall operate the School of Labor and Employment Relations as a distinct and autonomous entity within the University of Illinois. Amends the General Provisions and State Universities Article of the Illinois Pension Code. In the General Provisions Article, in a Section concerning benefits for persons who become participants in certain retirement systems or pension funds after January 1, 2011, specifies that a person who participated in the State Universities Retirement System before January 1, 2011 is deemed a person who first became a member or participant before January 1, 2011 for the purposes of that Section. In the State Universities Article, defines "Tier 2 member" as a person who first becomes a participant in the State Universities Retirement System (SURS) on or after January 1, 2011, other than a person in the SURS self-managed plan, unless the person is otherwise a Tier 1 member. Authorizes an employer to notify the System that an annuitant is returning to service by providing the annuitant's rate of compensation and anticipated length of employment (now, an employer may give notice in that manner only if there is not a written employment contract). Redefines "academic year" and "affected annuitant". Makes other

changes. 40 ILCS 5/1-160, 15-108.2, 15-126.1, 15-139, 15-139.5, 15-145.1.

**Public Act 98-598, effective December 5, 2013.** Amends the State Universities and Downstate Teacher Articles of the Illinois Pension Code. Provides that all actions brought by or against the boards of trustees of the respective systems shall be prosecuted or defended by the Attorney General (rather than the Attorney General or other counsel). Provides that if the boards of trustees of the respective systems pursue a mandamus action under the Code as amended by Senate Bill No. 1 of the 98th General Assembly in the form passed by the General Assembly, then the boards may select the counsel of their choice. 40 ILCS 5/15-169, 16-171.

**Public Act 98-599, effective June 1, 2014.** Amends the General Provisions, General Assembly, Illinois Municipal Retirement Fund (IMRF), Cook County, State Employee, State Universities, Downstate Teacher, and Chicago Teacher Articles of the Illinois Pension Code. In the General Assembly, State Employee, State Universities, and Downstate Teacher Articles: (1) changes the amount of automatic annual increases in retirement annuities and supplemental annuities for certain active and inactive Tier 1 members; (2) for active and inactive Tier 1 members who have not begun to receive a retirement annuity, reduces some automatic annual increases in retirement annuity to zero; (3) reduces employee contributions for Tier 1 members by 1% of earnings; (4) changes the required State contributions so that the Systems are 100% (rather than 90%) funded by the end of State fiscal year 2044 (rather than 2045); (5) changes the actuarial cost method from projected unit credit to entry age normal; (6) adds State funding guarantees; (7) increases the retirement age for active and inactive Tier 1 members under age 46; (8) caps pensionable salary for Tier 1 members; (9) requires each system to create a new defined contribution plan; and (10) exempts the changes made in these Articles from provisions concerning new benefit increases. In the General Assembly Article, also changes the amount of automatic annual increases for Tier 2 members and survivors. In the State Universities Article: (1) redefines "effective rate of interest" and provides for the use of that rate in the actuarial assumptions used to calculate the amount of certain retirement annuities

and (2) specifies that certain governmental entities will not qualify as employers. In the Downstate Teacher Article, redefines "regular interest" and provides for the use of that rate in the actuarial assumptions used to calculate the amount of certain retirement annuities. Amends the Budget Stabilization Act. Provides for the transfer of certain amounts from the General Revenue Fund to the Pension Stabilization Fund. Sets forth requirements pertaining to the accounting of payments received by the designated retirement systems from the Pension Stabilization Fund. Amends the Illinois Public Labor Relations Act and the Illinois Educational Labor Relations Act to provide that employers are not required to bargain over the changes, the impact of changes, or the implementation of changes that are made to Article 14, 15, or 16 of the Illinois Pension Code, or to Article 1 of the Code as it applies to those Articles, by the amendatory Act or any subsequent Public Act, nor be subject to interest arbitration or any award issued pursuant to interest arbitration in relation thereto. Amends the State Mandates Act to require implementation without reimbursement. Contains severability and inseverability provisions. 40 ILCS 5.

### Prevailing Wage

**Public Act 98-482, effective January 1, 2014.** Amends the Prevailing Wage Act. Requires contractors to include in record keeping the gross and net wage, hourly overtime rate, fringe benefit rates, and the sponsor and administrator of fringe benefit plans. Provides for filing of the records with the Department of Labor. Authorizes that Department to require electronic filing. Requires that Department to create and provide a form for the filing of certified payrolls. Defines terms. 820 ILCS 130/2, 5, 5.1.

### Procurement

**Public Act 98-307, effective August 12, 2013.** Amends the Illinois Procurement Code. Provides that a SDVOSB (service-disabled veteran-owned small business) or VOSB (veteran-owned small business) owned and controlled by females, minorities, or persons with disabilities may also select and designate whether that business is to be certified as a "female-owned business," "minority-owned business," or "business owned by a person with a disability." 30 ILCS 500/45-57.

**Public Act 98-348, effective August 14,**

**2013.** Creates the Transportation Sustainability Procurement Program Act. Requires the State's Chief Procurement Officers, in consultation with the Illinois Environmental Protection Agency, to develop a sustainability program for the State's procurement of freight, small package delivery, and other forms of cargo shipping and transportation services. Provides that State contracts for the procurement of those services shall require providers to report greenhouse gas emissions and energy consumption. Sets forth disclosure requirements that apply to the State's solicitations for those services. Requires the State to consider the bidder's environmental disclosures and the price and quality of the services to be provided. Amends the Illinois Procurement Code makes the procurement of shipping and transportation services subject to the Code. Provides that, when procuring freight, small package delivery, and other forms of cargo shipping and transportation services, appropriate weight shall be given to the requirements of the Transportation Sustainability Procurement Program Act. Grants the Chief Procurement Officer for general services certain rulemaking powers. 30 ILCS 500/20-165.

**Public Act 98-431, effective August 16, 2013.** Amends the Illinois Procurement Code. Removes language allowing a single contract for one or more buildings to be let to a single contractor. 30 ILCS 500/30-30.

**Public Act 98-442, effective January 1, 2014.** Amends the Illinois Procurement Code, the Illinois Highway Code, and the Toll Highway Act. Provides that on and after January 1, 2016, 25% of all vehicles purchased with State funds shall be vehicles fueled by electricity, compressed natural gas, liquid petroleum gas, or liquid natural gas. Provides that the Department of Transportation may provide electric vehicle charging stations at rest areas on interstate highways by January 1, 2016, or as soon as possible thereafter where providing these stations and the charging of user fees is allowed by federal regulation. Provides that the Department of Transportation may adopt rules regarding the type, place of erection, user fees, and maintenance of charging stations. Provides that by January 1, 2016, the Toll Highway Authority shall construct and maintain at least one electric vehicle charging station at any location where the Authority has entered into an agreement with any entity for

the purposes of providing motor fuel service stations and facilities, garages, stores, or restaurants along the toll highways. Directs the Authority to adopt rules to implement these requirements. 30 ILCS 500/25-75; 605 ILCS 5/223; 605 ILCS 10/11.

**Public Act 98-572, effective January 1, 2014.** Amends the Capital Development Board Act. Provides that the location and character of the work or works of art to be installed in public buildings shall be determined by the Chairperson of the Illinois Arts Council, in consultation with the designing architect. Provides that the Fine Arts Review Committee shall consist of the Chairperson of the Illinois Arts Council or his or her designee, who shall serve as the chair of the Committee, the designing architect, the Director of the Illinois State Museum or his or her designee, and a representative of the using agency. Provides that the Fine Arts Committee shall recommend three artists or works of art in order of preference to the Chairperson of the Illinois Arts Council, who make the final selection from among the recommendations. Directs the Illinois Arts Council to provide administrative support for a Fine Arts Review Committee and provides the Council with rulemaking authority. Amends the Illinois Procurement Code. Provides that the Code does not apply to the process used by the Capital Development Board to retain an artist or purchase a work or works of art as required in the Capital Development Board Act. Amends the Design-Build Procurement Act. Provides that the committee shall consist of at least 5 but no more than 7 members. Provides that public members shall be nominated within 30 days of receiving notice. Adds that if either group fails to nominate a suitable candidate within the 30 day period, the State construction agency shall nominate an appropriate public member. Provides that if a conflict of interest is discovered before proposals are reviewed, the member with the conflict shall be removed and the committee may continue with only one public member. Extends the date of repeal to July 1, 2019 (currently July 1, 2014). Makes other changes. 20 ILCS 3105/14; 30 ILCS 500/1-10; 30 ILCS 537/25, 90.

**Public Act 98-595, effective June 1, 2014.** Amends the Public Private Agreements for the Illiana Expressway Act. Provides that the public private agreement shall contain a provision stating a contractor

without a subcontract with a design-build entity in effect at the time of the execution of the public-private agreement by the Department of Transportation must follow a selection process for subcontractors that is identical to the selection process contained in the Design-Build Procurement Act. 605 ILCS 130/25.

## Property Taxes

**Public Act 98-322, effective August 12, 2013.** Amends the Property Tax Code. Removes a requirement that the third member of an appointed board of review shall be a member of the party polling the second highest vote for the applicable county office. Provides that the third member may not be affiliated with the same political party as the other 2 members. Makes changes concerning complaints filed with board of review. Provides that, if a complaint is filed by an attorney on behalf of a taxpayer, all notices and correspondence from the board relating to the appeal shall be directed to the attorney. Provides that, if a complaint does not comply with the board of review rules, the board shall send a notice identifying which rules have not been complied with and must provide the complainant with not less than 10 business days to bring the complaint into compliance. 35 ILCS 200/6-15, 9-5, 16-55.

**Public Act 98-494, effective January 1, 2014.** Amends the Property Tax Code. In a Section concerning valuation of PPV leases, provides that the term "net income" means all revenues received minus the lesser of (i) 62% (instead of 42%) of all revenues or (ii) actual expenses before interest, taxes, depreciation, and amortization. Provides that the provisions of the Property Tax Code concerning valuation of PPV leases apply only through taxable year 2015. Provides that the provisions of Senate Amendment 1 concerning the definition of "net operating income" apply only to naval facilities. 35 ILCS 200/10-365, 10-370, 10-380.

## Public Aid

**Public Act 98-303, effective August 9, 2013.** Amends the Medical Assistance Article of the Illinois Public Aid Code. In regard to the nursing home prescreening project, requires the Department of Healthcare and Family Services, in conjunction with other specified State agencies, to, no later than October 1, 2013, establish procedures to permit long term care providers access to eligibility

scores for individuals with an admission date who are seeking or receiving services from the long term care provider. 305 ILCS 5/5-5.

**Public Act 98-429, effective August 16, 2013.** Amends the Energy Assistance Act. Provides that a provision concerning the Supplemental Low-Income Energy Assistance Fund and the Energy Assistance Charge is repealed effective December 31, 2018 (rather than December 31, 2013) unless renewed by action of the General Assembly. 305 ILCS 20/13.

**Public Act 98-550, effective August 27, 2013.** Amends the Administration Article of the Illinois Public Aid Code. Establishes civil penalties ranging from \$10,000 to \$50,000 for any person (including a vendor, organization, agency, or other entity, but excluding a recipient) who: knowingly presents or causes to be presented a fraudulent claim for payment under the State's medical assistance program; knowingly gives or causes to be given to any person, with respect to medical assistance program coverage of inpatient hospital services, information that he or she knows or should know is false or misleading; arranges or contracts (by employment or otherwise) with an individual or entity that the person knows or should know is excluded from participation in the medical assistance program or a federal or state health care program for the provision of items or services for which payment may be made under such a program; or commits other specified fraudulent acts. Provides that the Director of Healthcare and Family Services may make a determination to exclude, terminate, suspend, or bar the person from participation in the medical assistance program, but not before granting the affected individual, entity, or vendor an opportunity for a hearing after reasonable notice. Provides that if a person has received an overpayment, the person shall (i) report and return the overpayment to the Department at the correct address; and (ii) notify the Department in writing of the reason for the overpayment. Provides that an overpayment must be reported and returned by the later of (i) the date which is 60 days after the date on which the overpayment was identified; or (ii) the date any corresponding cost report is due, if applicable. Provides that a vendor who disputes an overpayment identified as part of a Department of Health Care and Family Services' audit

shall utilize the Department's self-referral disclosure protocol to identify, investigate, and return to the Department any undisputed audit overpayment amount. Defines terms. Makes other changes. 305 ILCS 5/12-4.25.

**Public Act 98-563, effective August 27, 2013.** Amends the Illinois Public Aid Code. In a provision concerning judicial registration of administrative support orders, provides that every notice of registration must be accompanied by a copy of the registered administrative support order and the documents and relevant information accompanying the order. Requires the registering party to serve notice of the registration on the other party by first class mail, unless the administrative support order was entered by default or the registering party is also seeking an affirmative remedy. Provides that the registering party shall serve notice on the Department of Healthcare and Family Services in all cases by first class mail. Provides that (i) if the administrative support order was entered by default against the obligor, the obligor must be served with the registration by any method provided by law for service of summons and (ii) if a petition or comparable pleading seeking an affirmative remedy is filed with the registration, the non-moving party must be served with the registration and the affirmative pleading by any method provided by law for service of summons. Removes language permitting a petition or comparable pleading seeking a remedy that must be affirmatively sought under other law of this State to be filed at the same time as the request for registration or later. Removes language that requires the clerk of the circuit court to notify the nonregistering party and the Department when an administrative support order is registered, unless the Department is requesting registration of its order. Provides that in cases in which IV-D services are being provided, the Department shall provide, by rule, for a one-time notice to obligees advising the obligee that he or she must notify the Department within 60 days that he or she wishes to have the Department compute any interest that accrued on a specific docket in his or her case between May 1, 1987 and December 31, 2005; and that if the obligee fails to notify the Department within the 60-day period, (i) the Department shall have no further duty to enforce and collect interest accrued on support obligations established under this Code

or under any other law that are owed to the obligee prior to January 1, 2006; and (ii) any interest due on that docket prior to 2006 may be pursued by the obligee through a court action, but not through the Department's IV-D agency. Amends the Code of Civil Procedure. Provides that interest on child support obligations may be collected by any means available under State law for the collection of child support judgments (rather than under federal and State laws, rules, and regulations providing for the collection of child support). 305 ILCS 5/10-15.1.

### Public Demonstrations

**Public Act 98-320, effective August 12, 2013.** Amends the Illinois Public Demonstrations Law. Adds parades to Sections on permits, size, notice, and time requirements. Provides that only the person, group, or organization responsible for organizing a march, assembly, meeting, parade, or gathering on a roadway is required to obtain a permit or the permission of the principal law enforcement officer, which shall be sufficient to encompass all participants. Provides that the permitting authority may prohibit that portion of the route that crosses over or on railroad tracks. 430 ILCS 70/3, 4, 5, 6.

### Public Employees

**Public Act 98-488, effective August 16, 2013.** Creates the Executive Order 1 (2012) Implementation Act and amends various Acts. Implements and supersedes Executive Order 1 (2012). Transfers certain powers, duties, rights, and responsibilities related to State healthcare purchasing (including (i) rate development and negotiation with hospitals, physicians, and managed care providers, (ii) health care procurement development, (iii) contract implementation and fiscal monitoring, (iv) contract amendments, (v) payment processing, and (vi) purchasing aspects of health care plans administered by the State on behalf of State employees, non-State employees (such as retired teachers), and residents of State-operated facilities) that were transferred from the Department of Central Management Services, the Department of Corrections, the Department of Human Services, and the Department of Veterans' Affairs to the Department of Healthcare and Family Services by Executive Order 3 (2005) back to the Departments from which they were transferred. Provides for the transfer of staff, records, and unexpended moneys to those Departments. Makes conform-

ing changes in other Acts. 5 ILCS 375/2.5, 3, 6.5, 6.10, 10, 13.1; 20 ILCS 405/405-520; 20 ILCS 1305/1-20; 20 ILCS 2205/2205-20; 20 ILCS2805/2.08; 105 ILCS 55/7; 320 ILCS 55/2, 10, 15; 730 ILCS 5/3-2-2, 3-2.5-20.

**Public Act 98-535, effective January 1, 2014.** Amends the Illinois Public Labor Relations Act. Specifies that the Illinois Labor Relations Board has no duty (i) to promulgate regulations setting compensation levels for members on its mediation roster or (ii) to establish procedures for suspension or dismissal of mediators for good cause shown following hearing. Deletes a provision requiring the Board to establish in advance what the expense of proceedings will be for security employee, peace officer, and fire fighter arbitrations. 5 ILCS 315/12, 14.

**Public Act 98-561, effective August 27, 2013.** Amends the Public Safety Employee Benefits Act. Requires a full-time law enforcement, correctional or correctional probation officer, or firefighter (PSEBA recipient) to file a PSEBA Recipient Reporting Form with his or her employer. Provides that COGFA shall remit a copy of the form to all employers subject to the Act and shall make a copy available on its website. Sets forth the contents of the form. Provides that any information collected by the employer shall be exempt from the requirements of the Freedom of Information Act except for data collected in the aggregate that does not reveal any personal information concerning the PSEBA recipient. Requires employers subject to the Act to complete and file an Employer Subject to PSEBA Reporting Form. Sets forth the contents of that form. Provides that an employer covered under this Act shall file copies of the PSEBA Recipient Reporting Form and the Employer Subject to the PSEBA Act Reporting Form with COGFA within 120 days after receipt of the Employer Subject to the PSEBA Act Reporting Form. Provides that the first form filed with COGFA shall contain all information required under the Act; and that all forms filed by the employer thereafter shall set forth the required information for the 24-month period ending on June 30 preceding the deadline date for filing the report. Provides that upon receipt of each PSEBA Benefit Recipient Form, or as soon as reasonably practicable, COGFA shall make a determination of whether the PSEBA benefit recipient or the PSEBA benefit recipient's

spouse meets certain criteria. Provides that COGFA shall summarize the related costs and benefit levels of health insurance provided or available to the PSEBA benefit recipient or the PSEBA benefit recipient's spouse and contrast the results to the cost and benefit levels of health insurance currently provided by the employer subject to the Act. By June 1, 2014, and by January 1 of every even-numbered year thereafter beginning in 2016, COGFA shall submit a report to the Governor and the General Assembly setting forth certain information. Requires COGFA to make this report available electronically on a publicly accessible website. Makes other changes. 820 ILCS 320/17.

**Public Act 98-570, effective August 27, 2013.** Amends the Children and Family Services Act. Permits the Department of Children and Family Services to access criminal history record information as defined as "background information" and criminal history record information as defined in the Illinois Uniform Conviction Information Act for each Department employee or Department applicant. Provides that each Department employee or Department applicant shall submit his or her fingerprints to the Department of State Police in the form and manner prescribed by the Department of State Police; and that these fingerprints shall be checked against the fingerprint records now and hereafter filed in the Department of State Police and the Federal Bureau of Investigation criminal history records databases. Requires the Department of State Police to charge a fee for conducting the criminal history record check, which shall be deposited into the State Police Services Fund and shall not exceed the actual cost of the record check. Requires the Department of State Police to furnish, pursuant to positive identification, all Illinois conviction information to the Department of Children and Family Services. Defines "background information" to mean (i) upon the request of the Department of Children and Family Services, conviction information obtained from the Department of State Police as a result of a fingerprint-based criminal history records check of the Illinois criminal history records database and the Federal Bureau of Investigation criminal history records database concerning a Department employee or Department applicant; (ii) information obtained by the Department of Children and Family Services after perform-

ing a check of the Department of State Police's Sex Offender Database, as authorized by the Sex Offender Community Notification Law, concerning a Department employee or Department applicant; and (iii) information obtained by the Department of Children and Family Services after performing a check of the Child Abuse and Neglect Tracking System (CANTS) operated and maintained by the Department. Defines "Department employee" and "Department applicant." Amends the Child Care Act of 1969. Defines "non-licensed service provider" and "volunteer." Provides that criminal background investigations are required for employees and volunteers of child care facilities and non-licensed service providers under the Act. 20 ILCS 505/5; 225 ILCS 10/2.28, 2.29, 4.1,

## Public Health

**Public Act 98-502, effective January 1, 2014.** Amends the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois. With regard to the standardized written summary outlining methods for the early detection and diagnosis of breast cancer that the Department publishes, provides that the summary shall also inform individuals, in layman's terms, of the meaning and consequences of "dense breast tissue" under the guidelines of the Breast Imaging Reporting and Data System of the American College of Radiology. 20 ILCS 2310/2310-345.

**Public Act 98-530, effective August 23, 2013.** Amends the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois to create the Multiple Sclerosis Task Force. With regard to the purpose of the Task Force, includes addressing the financial challenges of persons with MS and developing strategies to improve multiple sclerosis education and awareness. Creates a 16-member Task Force. Provides that 14 public members shall be appointed by the Director of Public Health, including 3 registered nurses or other health professionals with MS certification and extensive expertise with progressed MS; 3 persons who represent agencies that provide services or support to individuals with MS in this State; and 3 persons who have MS, at least one of whom having progressed MS. Provides that the public members shall serve without compensation, and shall not be reimbursed for necessary expenses incurred in the performance of their duties unless funds

become available to the Task Force. The Task Force's reporting date is December 31, 2015. Makes other changes. 20 ILCS 2310/2310-665.

**Public Act 98-540, effective January 1, 2014.** Amends the Mobile Home Park Act. Provides that if the licensee or owner of a mobile home park has been notified in writing by law enforcement authorities that a mobile home in the mobile home park has been used for the manufacture of methamphetamine, then the licensee or owner of the mobile home park shall inform a potential buyer of the mobile home that law enforcement authorities have notified the licensee or owner in writing that the mobile home has been used for the manufacture of methamphetamine. Provides that the obligation of disclosure shall be imposed on the licensee or owner of the mobile home park only if the licensee or owner receives a written application for residency in the mobile home park from the prospective buyer prior to the prospective buyer acquiring the home and such application specifically identifies the applicable home and that the prospective buyer may acquire the home. Provides that if a licensee or owner does not disclose that a mobile home in the mobile home park has been used for the manufacture of methamphetamine as determined by an impartial hearing examiner, then (i) a prospective buyer shall not have any redress or cause of action against a licensee or owner for such failure, (ii) a violation shall not be subject to the terms of certain provisions of the Act, and (iii) the only liability a licensee or owner shall have for a violation shall be the payment of a fine in an amount determined by the examiner not to exceed \$2,000 for each violation. 210 ILCS 115/9, 9.16.

## Public Safety

**Public Act 98-526, effective August 23, 2013.** Amends the Illinois Gas Pipeline Safety Act. Provides that, after investigation and determination of a failure to comply with a provision of the Act or any Commission order or rule issued under the Act, the Pipeline Safety Program manager may issue and deposit in the United States mail a notice of probable violation (NOPV). Sets forth guidelines for the contents of the NOPV. Provides that in the event any penalty recommended by the pipeline safety manager is paid by the person charged in the applicable NOPV, agreed upon by such person and the pipeline safety

manager, then the pipeline safety manager shall report, and request approval of, each such payment of a recommended penalty or agreed compromise, as the case may be, to the Commission at a public meeting of the Commission and shall also post such report on the Commission's website as a public document. Makes other changes. 220 ILCS 20/2.08, 2.09, 7, 7.5.

**Public Act 98-541, effective August 23, 2013.** Amends the Carnival and Amusement Rides Safety Act. Defines "inflatable attraction." Provides that the Director of Labor may adopt by reference, in whole or in part, any code, standard, or bulletin issued by a nationally recognized organization after consultation with the Carnival-Amusement Safety Board and a finding that the adoption of the code, standard, or bulletin would promote the purposes of the Act. Provides that the Department of Labor shall have the power to suspend or revoke an owner's permit for any good cause under the meaning and purpose of the Act. Provides requirements for notice and hearings for suspension or revocation of a permit. Provides requirements for service and appeal of an order for cessation of operation of amusement ride or attraction. Requires a liability insurance policy of no less than \$1,000,000 for the operation of an amusement ride or attraction. Makes changes to a provision concerning criminal penalties. Authorizes the Department to bring injunctive proceedings in any court of competent jurisdiction to compel compliance with any order made by the Department under the Act. Provides for the deposit of fees and fines under the Act into the Carnival Safety Fund. Amends the State Finance Act. Creates the Carnival Safety Fund. 30 ILCS 105/5.826; 430 ILCS 85/2-2, 2-6, 2-8, 2-8.1, 2-12, 2-14, 2-15, 2-15.2, 2-15.3.

## Public Utilities

**Public Act 98-473, effective August 16, 2013.** Amends the Public Utilities Act. Provides that a gas public utility serving more than 1,600,000 customers as of January 1, 2013 may from time to time alter the annual rates of depreciation, which shall include amortization, that the gas public utility applies to its several classes of assets so long as the rates are consistent with generally accepted accounting principles. Provides that the gas public utility shall file testimony with the Illinois Commerce Commission setting forth the new rates of depreciation that

shall include: (i) a summary of the causes for the change in depreciation rates; (ii) a certification by an independent certified public accountant that the new rates of depreciation are consistent with generally accepted accounting principles; (iii) the depreciation study; and (iv) the expected impact on depreciation expense from the new depreciation rates. Provides that no later than 120 days after the filing by the gas public utility, the Commission shall ascertain and determine and, by order, fix the proper and adequate rate of depreciation of the several classes of property for the gas public utility. 220 ILCS 5/5-104.

**Public Act 98-554, effective January 1, 2014.** Amends the Public Utilities Act. Provides that an electric utility shall be permitted to provide Market Settlement Service. Provides that Market Settlement Service shall apply to the difference between (i) the actual quantities of electric power and energy supply provided to any such retail customer during a given period, and (ii) the quantities of such supply that were deemed to have been provided to such retail customer for the purposes of the applicable regional transmission organization's final wholesale market settlements during that same period. Provides that an electric utility providing Market Settlement Service shall be permitted to recover all of its reasonable and prudently incurred administrative and operational costs of providing this service from all of its retail customers through its delivery services charges. Provides that Market Settlement Service shall be provided pursuant to a tariff of the electric utility on file with the Illinois Commerce Commission. Provides that an electric utility that has a tariff in effect shall not be subject to, or allowed to pursue, any other claims, adjustments, settlements, or offsets related to the cost of any difference in the actual quantities of electric energy, capacity, transmission services, or other services included in Market Settlement Service, provided, however, that the provisions (i) preclude any subsequent and separate adjustments made to the same retail customer's electric service account or (ii) reduce or impair in any way an electric utility's authority to charge a retail customer for unmetered electric service related to the retail customer's unlawful tampering with or interference with electric service. Provides that the Commission shall review and by order approve, or approve

as modified, the proposed tariff within 180 days after the date on which it is filed. Provides that an electric utility providing Market Settlement Service shall not be liable to any retail customer, alternative retail electric supplier, or electric utility operating outside of its service territory for any adjustment in the quantity of any transmission or retail electric supply service for which the applicable regional transmission organization under its tariffs, agreements, and market and business rules will no longer make a corresponding adjustment to the wholesale market settlements. 220 ILCS 5/16-103.2.

**Public Act 98-586, effective August 27, 2013.** Amends the Public Utilities Act. Provides that, beginning no later than December 31, 2013, an electric utility or gas utility shall also offer its program to eligible retail customers that own multifamily residential or mixed-used buildings with no more than 50 residential units, provided, however, that such customers must either be a residential customer or small commercial customer and may not use the program in such a way that repayment of the cost of energy efficiency measures is made through tenants' utility bills. Provides that an electric utility or gas utility may impose a per site loan limit not to exceed \$100,000. Provides that within 120 days (instead of 60 days) after the effective date of the amendatory Act, each electric utility or covered gas utility shall submit an informational filing to the Commission that describes its plan for implementing the certain provisions on or before December 31, 2013. Makes other changes. 220 ILCS 5/16-111.7, 19-140.

**Public Act 98-602, effective December 6, 2013.** Amends the Public Utilities Act. Extends the repeal of a provision concerning the Public Utility Fund base maintenance contribution from January 1, 2014 to April 1, 2015. 50 ILCS 751/85; 220 ILCS 5/2-203.

**Public Act 98-604, effective December 17, 2013.** Amends the Public Utilities Act. Provides that certain customers that applied to the Department of Commerce and Economic Opportunity on January 3, 2013, were approved by the Department on February 13, 2013, and receive natural gas from a utility that provides gas service to at least 500,000 retail customers and electric service to at least 1,000,000 retail customers in Illinois,

shall be considered to be a self-directing customer or exempt customer, as applicable, for the current 3-year planning period effective December 1, 2013. 220 ILCS 5/8-104.

### Real Estate

**Public Act 98-398, effective January 1, 2014.** Amends the Title Insurance Act. Excludes limited liability companies from the requirement that every title insurance agent registration applicant must be 18 years or more of age. Provides that included in every application for registration of a title insurance agent, including a firm, partnership, association, limited liability company, or corporation, shall be an affidavit of the applicant title insurance agent, signed and notarized in front of a notary public, affirming that the applicant and every owner, officer, director, principal, member, or manager of the applicant has never been convicted or pled guilty to any felony or misdemeanor involving a crime of theft or dishonesty. Provides that no person who has had a conviction or pled guilty to any felony or misdemeanor involving theft or dishonesty may be registered by a title insurance company without a separate written notification to the Secretary of Financial and Professional Regulation disclosing the conviction or plea (rather than may be registered by a title insurance company), and no such person may serve as an owner, officer, director, principal, or manager of any registered title insurance agent without the written permission of the Secretary (rather than no such person may serve as an owner, officer, director, principal, or manager of any registered title insurance agent). 215 ILCS 155/16, 21.

**Public Act 98-444, effective August 16, 2013.** Amends the Real Estate Appraiser Licensing Act of 2002. Provides that specified valuation waivers may be prepared by a licensed appraiser and a license is not required under the Act to perform such valuations if the valuations are performed by an employee of the Illinois Department of Transportation or a county engineer under certain circumstances. Provides that valuation waivers must include the license number of the employee of the Illinois Department of Transportation that is a registered professional engineer co-signing the valuation waiver. Provides that a county engineer shall affix his or her license number to the valuation. 225 ILCS 458/5-5.

**Public Act 98-475, effective August 16, 2013.** Authorizes the Director of the Department of Natural Resources, on behalf of the State of Illinois, to exchange certain real property in Cass County, Illinois for certain real property of equal or greater value in Cass County, Illinois. Authorizes the Director of the Department of Natural Resources to convey certain real estate to the Oquawka Township in Henderson County, subject to any restrictions of record and under the condition that the land be used for public road purposes. Provides for the recording of the authorized conveyances.

**Public Act 98-520, effective August 23, 2013.** Amends the Open Space Lands Acquisition and Development Act. Provides that a local government defined as "distressed" under criteria adopted by the Department of Natural Resources through administrative rule shall be eligible for assistance up to 90% (rather than 50%) for the acquisition of open space lands and for capital development and improvement proposals, provided that no more than 10% of the amount appropriated under this Act in any fiscal year is made available as grants to distressed local governments. 525 ILCS 35/3.

### Schools and School Districts

**Public Act 98-301, effective August 9, 2013.** Amends the School Code. Provides that the State Board of Education shall establish the Task Force on Civic Education. Sets forth provisions concerning the members of the Task Force. Provides that the Task Force shall (1) analyze the current state of civic education in this State; (2) analyze current civic education laws in other jurisdictions, both mandated and permissive; (3) identify best practices in civic education in other jurisdictions; (4) make recommendations to the General Assembly focused on substantially increasing civic literacy and the capacity of youth to obtain the requisite knowledge, skills, and practices to be civically informed members of the public; and (5) make funding recommendations if the Task Force's recommendations to the General Assembly would require a fiscal commitment. Provides that no later than May 31, 2014, the Task Force shall summarize its findings and recommendations in a report to the General Assembly. 105 ILCS 5/2-3.157.

**Public Act 98-304, effective January 1, 2014.** Amends the School Code. Permits a

school board to designate the first Monday in October of each year "Bring Your Parents to School Day." Provides that on this day, a school board may permit the parents or guardians of students to attend class with their children and meet with teachers and administrators during the school day. 105 ILCS 5/10-20.55, 34-18.48.

**Public Act 98-305, effective August 12, 2013.** Amends the Interscholastic Athletic Organization Act. Requires the Illinois High School Association to post a training video on hands-only cardiopulmonary resuscitation and automated external defibrillators on the association's Internet website, but only if it is provided to the association free of charge and is no more than 15 minutes in length. Requires school districts to notify parents and staff in newsletters, bulletins, calendars, or other correspondence currently published by the school district of the posted video and encourage parents and staff to view it. 105 ILCS 25/1.10.

**Public Act 98-338, effective August 13, 2013.** Amends the Children with Disabilities Article of the School Code and the Children's Mental Health Act of 2003. Provides that school social work services may be provided by qualified specialists who hold a Professional Educator License with a school support personnel endorsement in the area of school social worker. Provides that school social work services may include implementing social and emotional education programs and services, establishing and implementing bullying prevention and intervention programs, and evaluating program effectiveness. Provides that school social workers may implement a continuum of social and emotional education programs and services in accordance with students' needs. 405 ILCS 49/15.

**Public Act 98-353, effective January 1, 2014.** Amends the Communicable Disease Prevention Act. Repeals a Section that provides that whenever a child of school age is reported to the Department of Public Health or a local health department as having been diagnosed as having AIDS or HIV based upon case definitions established by the U.S. Centers for Disease Control and Prevention or as having been shown to have been exposed to HIV or any other identified causative agent of AIDS by testing positive on a reliable test

based upon recommendations of the U.S. Centers for Disease Control and Prevention, such department shall give prompt and confidential notice of the identity of the child to the principal of the school in which the child is enrolled; and if the child is enrolled in a public school, the principal shall disclose the identity of the child to the superintendent of the school district in which the child resides. 410 ILCS 315/2a.

**Public Act 98-361, effective January 1, 2014.** Amends the Educator Licensure Article of the School Code. Provides that applicants seeking a Professional Educator License or an Educator License with Stipulations shall be required to pass a test of basic skills before the license is issued, unless the endorsement the individual is seeking does not require passage of the test. Provides that all applicants completing Illinois-approved, teacher education or school service personnel preparation programs shall be required to pass the State Board of Education's recognized test of basic skills prior to starting their student teaching or starting the final semester of their internship, unless required earlier at the discretion of the recognized, Illinois institution in which they are completing their approved program (instead of providing that no candidate may be fully admitted into an educator preparation program at a recognized, Illinois institution until he or she has passed a test of basic skills). 105 ILCS 5/21B-30.

**Public Act 98-374, effective August 16, 2013.** Amends the School Code. Creates the Young Adults Heroin Use Task Force to address the growing problem of heroin use in high schools across this State. Sets forth the membership of the Task Force. Requires the Task Force to conduct a study on the heroin use problem in high schools and suggest programs for high schools to use to address the problem, which programs may involve local law enforcement agencies. Requires the Task Force to report its findings and recommendations to the General Assembly and Governor on or before June 30, 2014. Abolishes the Task Force and repeals these provisions on July 1, 2014. 105 ILCS 5/22-77.

**Public Act 98-383, effective August 16, 2013.** Amends the Children with Disabilities Article of the School Code. Provides that the State Board of Education shall adopt State complaint procedures consistent with

specified sections of the Code of Federal Regulations. Makes changes concerning the response to a complaint. 105 ILCS 5/14-8.02a; 14-8.02e.

**Public Act 98-408, effective July 1, 2014.** Amends the Abused and Neglected Child Reporting Act. Provides that within one year of initial employment and at least every 5 years thereafter, school personnel required to report child abuse must complete mandated reporter training by a provider or agency with expertise in recognizing and reporting child abuse. 325 ILCS 5/4.

**Public Act 98-413, effective August 16, 2013.** Amends the School Code. In the Teacher Certification Article, provides that a person who holds an active license issued by the State as a marriage and family therapist shall be deemed to have satisfied the continuing professional development requirements to renew a school service personnel certificate. In the Educator Licensure Article, includes marriage and family therapist as a school support personnel endorsement area that may be affixed to a Professional Educator License. 105 ILCS 5/21-25, 21B-25.

**Public Act 98-420, effective August 16, 2013.** Amends the Local Government Professional Services Selection Act. Provides that whenever a project requiring architectural, engineering, or land surveying services is proposed for a political subdivision, the political subdivision shall mail or e-mail a notice requesting a statement of interest. Further provides that the political subdivision shall place an advertisement for those professional services on its website requesting a statement of interest, include a description of each project, and state the time and place for interested firms to submit its letter of interest, statement of qualifications, and performance data, as required. 50 ILCS 510/4.

**Public Act 98-441, effective January 1, 2014.** Amends the School Code and the Critical Health Problems and Comprehensive Health Education Act. Makes changes to provide that all public school classes (instead of all classes) that teach sex education and discuss sexual intercourse in grades 6 through 12 shall emphasize that abstinence from sexual intercourse is a responsible and positive decision and is the only protection that is 100% effective against unwanted teenage

pregnancy, sexually transmitted diseases, and acquired immune deficiency syndrome (AIDS) when transmitted sexually. Makes changes to provide that all classes that teach sex education and discuss sexual intercourse in grades 6 through 12 shall satisfy specified criteria. Provides that an opportunity shall be afforded to individuals (not just parents or guardians) to examine the instructional materials to be used in the class or course. Provides that the State Board of Education shall make available resource materials. Provides that school districts that do not currently provide sex education are not required to teach sex education. Provides that if a sex education class or course is offered in any of grades 6 through 12, the school district may choose and adapt the developmentally and age-appropriate, medically accurate, evidence-based, and complete sex education curriculum that meets the specific needs of its community. Provides that the Comprehensive Health Education Program shall include the educational area of evidence-based and medically accurate information regarding sexual abstinence (instead of the area of sexual abstinence until marriage). 105 ILCS 5/27-9.1; 105 ILCS 110/3.

**Public Act 98-470, effective August 16, 2013.** Amends the Evaluation of Employees Article of the School Code. With respect to a provision that provides that a principal shall not be prohibited from evaluating any teachers within a school during his or her first year as principal of such school, adds language to provide that if a first-year principal exercises this option in a school district where the evaluation plan provides for a teacher in contractual continued service to be evaluated once in the course of every 2 school years, then a new 2-year evaluation plan must be established. 105 ILCS 5/24A-5.

**Public Act 98-471, effective January 1, 2014.** Amends the School Code. Provides that school guidance counselors, teachers, school social workers, and other school personnel who work with pupils in grades 7 through 12 shall be trained to identify the warning signs of mental illness and suicidal behavior (instead of just suicidal behavior). 105 ILCS 5/10-22.39, 34-18.7.

**Public Act 98-474, effective August 16, 2013.** Amends the School Code to provide that any charter school located in a school

district that contains all or part of a federal military base may set aside up to 33% of its current charter enrollment to students with parents assigned to the federal military base, with the remaining 67% subject to the general enrollment and lottery requirements. Provides that if a student with a parent assigned to the federal military base withdraws from the charter school during the course of a school year for reasons other than grade promotion, those students with parents assigned to the federal military base shall have preference in filling the vacancy. 105 ILCS 5/27A-4.

**Public Act 98-497, effective August 16, 2013.** Amends the State Comptroller Act to provide that school districts are included in the Comptroller's registry of units of local government. 15 ILCS 405/23.7.

**Public Act 98-513, effective January 1, 2014.** Amends the School Code and the Illinois Educational Labor Relations Act. With respect to teacher and principal evaluations, makes changes concerning the waiver or modification of mandates and the probationary period for a teacher. With respect to honorable dismissals and recalls of tenured teachers, makes changes concerning grouping one of the groupings of teachers qualified to hold a position, the establishment of a list showing the length of continuing service of each teacher, a teacher's performance evaluation rating, a joint committee, selection or appointment of a hearing officer, and application of Public Act 97-8 to dismissals. With respect to the optional alternative evaluative dismissal process for PERA evaluations, makes changes concerning the definitions of "applicable hearing requirements" and "hearing procedures." With respect to collective bargaining between a school district (other than the Chicago school district) and an exclusive representative of its employees, makes changes concerning the declaration of an impasse after mediation has commenced and submission of a party's final offer to the mediator, the Illinois Educational Labor Relations Board, and the other party. Provides that on September 1, 2014 (instead of September 1, 2013), any previously authorized waiver or modification from the requirements for (i) student performance data to be a significant factor in teacher or principal evaluations or (ii) teachers and principals to be rated using the 4 categories

of "excellent," "proficient," "needs improvement," or "unsatisfactory" shall terminate. 105 ILCS 5/2-3.25g, 24-11, 24-12, 24-16.5; 115 ILCS 5/12, 13.

**Public Act 98-517, effective August 22, 2013.** Amends the Children with Disabilities Article of the School Code with respect to transition services. Provides that the first individualized education plan for when a student turns age 14 ½ must include measurable post-secondary goals based upon age-appropriate transition assessments and other information available regarding the student that are related to independent living skills (instead of independent living skills where appropriate). 105 ILCS 5/14-8.03.

**Public Act 98-544, effective July 1, 2014.** Amends the School Code. Beginning with the 2014-2015 school year, lowers the compulsory school age from 7 years to 6 years (on or before September 1); makes related changes. 105 ILCS 5/26-1, 26-2.

**Public Act 98-556, effective January 1, 2014.** Amends the Illinois Vehicle Code. Expands the definition of an "automated traffic law enforcement system" to include cameras installed on school buses that record images of vehicles that overtake or pass the school bus while it is engaged in receiving or disembarking passengers, provided the school bus has the visual signals required by law including extendable stop signs and flashing lights. Provides that municipalities and counties may authorize school districts to enter into contracts with vendors to install and operate an automated traffic law enforcement system on the district's school buses. Provides that violations recorded must be reviewed by certified technicians or law enforcement officers to verify that a violation has occurred. Establishes notice requirements for violations and provides for administrative adjudication of violations. Provides that a first time violation carries a civil penalty of \$150, with subsequent violations carrying a civil penalty of \$500, and that the offense shall not be a moving violation recorded on the driver's driving history. Provides that failure to pay or successfully contest the violation can result in suspension of the driver's license. Provides that recorded images shall be made available to the driver on a website. Requires school buses equipped with cameras to have signs stating that the school bus is equipped with



an automated traffic law enforcement system. Requires the municipality or county to list the school districts using automated traffic law enforcement systems on its website. Requires school districts using an automated traffic law enforcement system to post this information on their websites. Requires the municipality or county to conduct a statistical analysis of the safety impact of the use of automated traffic law enforcement systems on school buses. Provides that the elected school boards of individual school districts must approve the use of automated traffic law enforcement systems on their school buses. Provides that after approving the use of an automated traffic law enforcement system, the school district must enter into an intergovernmental agreement with the municipality or county to handle the administration of the automated traffic law enforcement system. Provides that the proceeds of any fines will be divided equally between the school district and the municipality or county administering the automated traffic law enforcement system. 625 ILCS 5/1-105.2, 6-306.5, 11-208, 11-208.3, 11-208.9.

**Public Act 98-560, effective August 27, 2013.** Amends the School Code. Provides for a State Seal of Biliteracy to be designated on high school diplomas and transcripts. Makes changes concerning the proficiency a pupil needs to attain. Requires the State Board of Education to prepare and deliver to school districts an appropriate mechanism for designating the State Seal of Biliteracy on diplomas and transcripts. Requires school districts to make the appropriate designation on diplomas and transcripts. Makes changes concerning costs to pupils. 105 ILCS 5/2-3.157.

**Public Act 98-578, effective August 27, 2013.** Amends the School Code. Creates the School Security and Standards Task Force within the State Board of Education to study the security of schools in this State, make recommendations, and draft minimum standards for use by schools to make them more secure and to provide a safer learning environment for the children of this State. Sets forth provisions concerning the membership of the Task Force, meetings of the Task Force, State Board support for the Task Force, and the duties of the Task Force. Provides that, on or before January 1, 2014, the Task Force shall submit a report to the General Assembly and the Governor on specific recommendations

for changes to the current law or other legislative measures. Provides that, on or before January 1, 2014, the Task Force shall submit a report to the State Board on specific recommendations for model security plan policies for schools to access and use as a guideline, which report is exempt from inspection and copying under the Freedom of Information Act. Provides that the Task Force is abolished and these provisions are repealed on January 2, 2014. 5 ILCS 140/7; 105 ILCS 5/2-3.157.

**Public Act 98-581, effective August 27, 2013.** Amends the Educator Licensure Article of the School Code. Removes a provision that prohibits a candidate for licensure from beginning an internship or residency required for licensure until he or she has passed the applicable content area test. Further amends the Educator Licensure Article of the School Code. In provisions concerning the minimum requirements for educators trained in other states, requires school service personnel prepared by out-of-state programs to meet the same requirements concerning (i) courses in the methods of instruction of the exceptional child, (ii) coursework in methods of reading and reading in the content area, and (iii) courses in instructional strategies for English language learners as in-State candidates in school service personnel areas, as defined by rules (instead of requiring school service personnel prepared by out-of-state programs to complete a minimum of one course in the methods of instruction of the exceptional child, a minimum of 6 semester hours of coursework in methods of reading and reading in the content area, and a minimum of one course in instructional strategies for English language learners). 105 ILCS 5/21B-30, 21B-35.

**Public Act 98-594, effective November 15, 2013.** Amends the School Code. In a Section concerning mandatory consolidation of educational service regions, provides that if, before November 1, 2013 (instead of January 1, 2014), locally determined consolidation decisions result in more than 35 regions, the State Board of Education shall direct further consolidation before November 23, 2013 (instead of June 1, 2014). Amends the Election Code. Adds provisions concerning petitions for nomination for regional superintendent of schools in the 2014 general primary election. 10 ILCS 5/7-67; 105 ILCS 5/3A-4.

Public Act 98-603, effective June 1, 2014. Amends the Teacher Certification Article of the School Code. With respect to Sections concerning the Alternative Teacher Certification Program and Alternative Route to Teacher Certification programs, provides that no one may be admitted to an alternative certification program after September 1, 2014 (instead of 2013), and those alternative certification candidates who are admitted on or before September 1, 2014 must complete their coursework before January 1, 2016 and be entitled to certification on or before September 30, 2016 (instead of providing that candidates who are admitted on or before September 1, 2013 must complete the program before January 1, 2015, except that candidates admitted to an alternative certification program at Governors State University and participants in the Teacher Quality Partnership Grant program must be admitted on or before March 31, 2014, complete their coursework on or before August 31, 2015, and be entitled to certification on or before September 31, 2015). Provides that an alternative certification program shall provide the State Board of Education with the names of the candidates who will be eligible for certification (instead of providing that the alternative certification program at Governors State University shall provide the State Board of Education with the names of the candidates who will be eligible for certification under the exception). Repeals the Sections on January 1, 2017 (instead of January 1, 2016). 105 ILCS 5/21-5b, 21-5c.

### Special Districts

**Public Act 98-312, effective August 12, 2013.** Amends the Park District Act. Provides that any memorial built on leased land within a park district must be maintained by the organization that leased the land. 70 ILCS 1205/10-4.

**Public Act 98-319, effective August 12, 2013.** Amends the Fire Protection District Act. Provides that on and after the effective date of this amendatory Act, a fire protection district may propose, by referendum, a special tax levy not to exceed .40% of the value of all taxable property within the district as equalized or assessed by the Department of Revenue for ambulance services. 70 ILCS 705/22.

**Public Act 98-325, effective August 12, 2013.** Amends the Park District Code. Pro-

vides that every park district may enter into a contract to purchase energy from a utility or an alternative retail electric supplier for a term exceeding one year, but not to exceed 3 years. 70 ILCS 1205/8-1.

**Public Act 98-333, effective August 13, 2013.** Amends the Park Commissioners Land Sale Act. Repeals a Section regarding the sale of golf course land on December 31, 2018 (currently December 31, 2013). 70 ILCS 1235/5.

**Public Act 98-384, effective August 16, 2013.** Amends the Illinois Urban Development Authority Act. Provides that the Illinois Urban Development Authority may use funds for transportation projects. Defines "develop" or "development," "maintain" or "maintenance," "operate" or "operation," "transportation facility," and "transportation project." 70 ILCS 531/2, 3.

**Public Act 98-388, effective August 16, 2013.** Amends the Fire Protection District Act. Provides that the board of trustees of any fire protection district may, by ordinance, require the installation of an access or key box if: (1) a structure is protected by an automatic fire alarm or security system or access to or within the structure or area is unduly difficult because of secured openings; and (2) immediate access is necessary for life-saving purposes. Further provides that an ordinance enacted under this Section may specify the type or class of structure that must install an access or key box, but may not apply to single family residential structures. In the case of a health care facility that is secured by an electronic code box that is in good working order, provides that, if the owner of the health care facility provides the fire department with a valid access code, then that health care facility is not required to be accessible by an access or key box. Defines "health care facility." Exempts facilities owned and operated by a public utility from the access or key box installation requirement. 70 ILCS 705/11j.

**Public Act 98-390, effective August 16, 2013.** Amends the Public Funds Investment Act. Provides that park districts, forest preserve districts, and conservation districts may, like municipalities and counties, invest public funds in interest-bearing bonds of any political subdivision or agency of the State of Illinois, whether the interest earned is taxable

or tax-exempt under federal law. Provides that bonds shall be registered in the name of the municipality, park district, forest preserve district, conservation district, or county. 30 ILCS 235/2.

**Public Act 98-392, effective August 16, 2013.** Amends the Regional Transportation Authority Act. Provides that the Authority may issue, sell, and deliver additional Working Cash Notes before July 1, 2016 (now 2014) that are over and above and in addition to the \$100,000,000 authorization. 70 ILCS 36615/4.04.

**Public Act 98-407, effective January 1, 2014.** Amends the Sanitary District Act of 1917. Provides that except as otherwise provided for vacancies, in the event that the appropriate appointing authority fails to appoint a trustee under this Section, the appropriate appointing authority shall reconvene and appoint a successor on or before July 1 of that year. 70 ILCS 2405/3.

**Public Act 98-420, effective August 16, 2013.** Amends the Local Government Professional Services Selection Act. Provides that whenever a project requiring architectural, engineering, or land surveying services is proposed for a political subdivision, the political subdivision shall mail or e-mail a notice requesting a statement of interest. Further provides that the political subdivision shall place an advertisement for those professional services on its website requesting a statement of interest, include a description of each project, and state the time and place for interested firms to submit its letter of interest, statement of qualifications, and performance data, as required. 50 ILCS 510/4.

**Public Act 98-436, effective January 1, 2014.** Amends the Illinois Vehicle Code. Provides that motor vehicles used by fire departments or for fire protection services are eligible for \$8 permanent registration plates, as long as those plates indicate the fire protection service that owns the vehicle. Provides that the Secretary of State shall put procedures in place to allow fire protection services in possession of these plates to transfer those plates at no additional charge. 625 ILCS 5/3-808.1.

**Public Act 98-500, effective August 16, 2013.** Amends the Forest Preserve Zoologi-

cal Parks Act to clarify the effects of both Public Act 80-320 and Public Act 80-414. Provides that a forest preserve district, containing a population of 140,000 or more, or the directors or trustees of such zoological society when so authorized by the forest preserve district, may police the property of the zoological park, employ, establish, maintain and equip a security force for fire and police protection of the zoological park, and provide that the personnel of the security force shall perform other tasks relating to the maintenance and operation of the zoological park. Validates the exercise of those police powers from the effective date of Public Act 80-1364 until the effective date of the amendatory Act. 70 ILCS 835/1.

**Public Act 98-565, effective August 27, 2013.** Amends the Fire Protection District Act. Provides that no more than 2 members of the board shall belong to the same political party existing in the municipality at the time of the appointments. Provides that if only 1 or no political party exists in the municipality at the time of the appointments, then state or national political party affiliation shall be considered in making the appointments. Provides that party affiliation shall be determined by affidavit of the person appointed as a member of the board. 70 ILCS 705/16.03.

## Sports and Gaming

Public Act 98-318, effective August 12, 2013. Amends the Illinois Horse Racing Act of 1975, the Riverboat Gambling Act, and the Determination and Enforcement of Support Responsibility of Relatives Article of the Illinois Public Aid Code. Provides that, from winnings required to be reported to the Internal Revenue Service on Form W-2G, an organization licensee or advance deposit wagering licensee under the Illinois Horse Racing Act of 1975, an owners licensee licensed under the Riverboat Gambling Act, or a licensee that operates, under any law of this State, one or more facilities or gaming locations at which lawful gambling is authorized and licensed as provided in the Riverboat Gambling Act shall withhold up to the full amount of winnings necessary to pay the winner's past due child support amount as certified by the Department of Healthcare and Family Services. Provides that the licensee shall pay the withheld amounts to the Department of Healthcare and Family Services. Provides that the licensee is entitled to an administrative fee not to

exceed the lesser of 4% of the total amount of cash winnings paid to the gambling winner or \$150. Provides that a licensee who in good faith complies with these requirements is not liable to the gaming winner or any other individual or entity. Provides that the Department of Healthcare and Family Services may provide, by rule, for certification to a licensee of past due child support owed by a responsible relative under a support order entered by a court or administrative body of this or any other State on behalf of a resident or non-resident receiving child support services from the Department in accordance with the Social Security Act. Provides that the rule shall provide for notice to and an opportunity to be heard by each responsible relative affected and any final administrative decision of the Department may be reviewed only under the Administrative Review Law. Adds provisions to the Illinois Horse Racing Act of 1975 and the Riverboat Gambling Act regarding posting signs with a statement regarding withholding of delinquent child support at specified locations in gaming facilities and printing a statement on specified materials provided to the general public. 230 ILCS 5/27.2, 34.2; 230 ILCS 10/13.05, 13.2; 305 ILCS 5/10-17.15.

**Public Act 98-336, effective January 1, 2014.** Amends the Fish and Aquatic Life Code. Provides that a commercial fisherman shall obtain a sport fishing license in addition to a commercial fishing license, and that an individual assisting a licensed commercial fisherman must obtain a sport fishing license. Provides that "commercial fishing devices" shall include any watercraft used as a primary collection device. Provides that any persons licensed as a commercial fisherman who wishes to use their watercraft as a primary collection device for commercial fishes must first obtain a commercial watercraft device tag and all watercraft used as a primary collection device must be legally licensed by the State and be in compliance with all Coast Guard boating regulations. Exempts any person who takes Asian Carp by the aid of a boat for non-commercial purposes. 515 ILCS 5/15-5, 15-15, 15-15.5.

**Public Act 98-377, effective January 1, 2014.** Amends the Charitable Games Act. Extends the licensure period from one year to 2 years. Changes the application and renewal fees from an annual \$200 fee to a \$400 fee for the 2-year licensure period. Provides that

participation in the management or operation of the games is limited to no more than 12 (rather than 4) charitable games events, either of the sponsoring organization or any other licensed organization, during a calendar year. Provides that no single bet at any game may exceed \$20. Provides that at the conclusion of the event or when the participant leaves, he or she may cash in his or her chips, scrip, or play money in exchange for currency not to exceed \$500 in cash winnings (instead of \$250) or unlimited non-cash prizes. Provides that the provider of the premises, other than a municipality, may not rent or otherwise provide the premises for the conducting of more than one charitable games night per month (rather than 8 charitable games nights per year). Provides that 5% of the net proceeds (rather than 3% of the gross proceeds) of charitable games shall be paid to the Illinois Gaming Board. Provides that establishments that have video gaming terminals licensed under the Video Gaming Act may operate them along with charitable games under rules adopted by the Illinois Gaming Board. Makes other changes. Amends the Riverboat Gambling Act and the Video Gaming Act. With respect to the examination of mechanical, electromechanical, or electronic table games, slot machines, slot accounting systems, other electronic gaming equipment, video gaming machines, and associated equipment, allows the Illinois Gaming Board to utilize the services of one or more independent outside testing laboratories that have been accredited by a national accreditation body and that, in the judgment of the Board, are qualified to perform the examinations. 230 ILCS 10/5; 230 ILCS 30/3, 4, 5, 8, 9; 230 ILCS 40/15.

**Public Act 98-423, effective January 1, 2014.** Amends the Illinois Horse Racing Act of 1975. Requires organization licensees to make available no less than 2 automated external defibrillators (AEDs) that are operational and accessible when backstretch workers are present at their racing facilities, at least one in the paddock of their racing facilities and at least one on the backstretch of their racing facilities. 230 ILCS 5/31.2.

**Public Act 98-426, effective August 16, 2013.** Amends the Charitable Games Act. Includes a poker run within the definition of "charitable games event." Defines "poker run." Makes changes to the definition of

"qualified organization." 230 ILCS 30/2.

**Public Act 98-490, effective August 16, 2013.** Amends the Illinois Horse Racing Act of 1975 and the Riverboat Gambling Act. Requires licensees under the Acts to establish as a goal the award of not less than 20% of the total dollar amount of the licensee's contracts to minority owned businesses, female owned businesses, and businesses owned by persons with disabilities. Requires the licensees to file with the appropriate Board (i) an annual compliance plan, which shall outline the goals of the licensee for contracting with minority owned businesses, female owned businesses, and businesses owned by persons with disabilities for the calendar year, the manner in which the agency intends to reach these goals, and a timetable for reaching these goals and (ii) an annual report of its utilization of minority owned businesses, female owned businesses, and businesses owned by persons with disabilities during the preceding calendar year, which shall include a self-evaluation of the efforts of the owners licensee to meet its goals under this Section. Requires the Illinois Racing Board and the Illinois Gaming Board to file annual reports that shall detail the level of achievement toward the goals over the 3 most recent fiscal years.

**Public Act 98-499, effective August 16, 2013.** Amends the Illinois Lottery Law. Changes references from "Superintendent" to "Director" throughout the Act. Provides that the Director of the Lottery or his designee shall provide a briefing on proposed major media campaigns at any regularly scheduled meeting upon written request from any Board member, and such written request must be received by the Director at least 10 days prior to the regularly scheduled meeting. Replaces language regarding reproduced copies with language that provides that reproduced copies of any of the Department's records relating to an account under certificate of the Director or any officer or employee of the Department designated in writing by the Director shall, without further proof, be admitted into evidence in any hearing before the Board or its Hearing Officers or any legal proceeding and shall be prima facie proof of the information contained therein. Makes other changes. In provisions concerning the uses of moneys in the Multiple Sclerosis Research Fund, al-

lows for grants to organizations in Illinois that conduct research pertaining to the repair and prevention (rather than repair) of damage caused by an acquired demyelinating disease of the central nervous system. Amends the Civil Administrative Code of Illinois. Adds the Director of the Lottery to the list of heads of departments. Adds provisions stating that the Director of the Lottery shall receive the annual salary set by law for the Director of the Lottery. 20 ILCS 5/5-20, 5-372; 20 ILCS1605/3 et seq.

**Public Act 98-582, effective August 27, 2013.** Amends the Video Gaming Act to provide that a video gaming terminal is a machine that can operate by insertion of an electronic voucher as well as cash. Defines "electronic voucher." Further amends the Video Gaming Act and amends the Riverboat Gambling Act. With respect to the examination of mechanical, electromechanical, or electronic table games, slot machines, slot accounting systems, other electronic gaming equipment, video gaming machines, and associated equipment, allows the Illinois Gaming Board to utilize the services of one or more independent outside testing laboratories that have been accredited by a national accreditation body and that, in the judgment of the Board, are qualified to perform the examinations. 230 ILCS 10/5; 230 ILCS 40/5, 15.

**Public Act 98-587, effective August 27, 2013.** Amends the Video Gaming Act. Provides that "licensed establishment" means any licensed retail establishment where alcoholic liquor is drawn, poured, mixed, or otherwise served for consumption on the premises, whether the establishment operates on a nonprofit or for-profit basis. Provides that the changes are declarative of existing law. Makes changes concerning background investigations of applicants for licensure. 230 ILCS 40/5, 45.

### State Employees

**Public Act 98-329, effective January 1, 2014.** Amends the Department of Central Management Services Law of the Civil Administrative Code of Illinois. Provides that the Department of Central Management Services shall consult with the Hispanic Employment Plan Advisory Council when preparing its State Hispanic Employment Plan. Makes corresponding changes. Creates the Hispanic Employment Plan Advisory Council, which shall meet quarterly to provide consultation

to State agencies and the Department and consist of 11 members, each of whom shall be a Latino subject matter expert. Contains provisions concerning the appointment of ex-officio liaison members to the Council. 20 ILCS 405/405-120, 405-121.

**Public Act 98-411, effective August 16, 2013.** Amends the State Comptroller Act. Provides that certain State employee address information shall not be listed on the State employee list maintained by the Comptroller. Prohibits the addresses of the spouses of employees of the Department of Corrections, Department of Children and Family Services, and the Department of State Police from being published on the State employee list maintained by the Comptroller. Also, prohibits the addresses of employees of the Department of Juvenile Justice and the Office of the State's Attorneys Appellate Prosecutor, as well as the addresses of the spouses of those persons, from being published on the State employee list maintained by the Comptroller. Repeals a provision that prohibits an employee in the Comptroller's office from being employed by the State, except as a part-time teacher for a State college or university. 15 ILCS 405/10.10, 20, 10.13.

### State Matters

**Public Act 98-341, effective August 13, 2013.** Amends the State Commemorative Dates Act. Designates the first Saturday of each month Eat Local, Buy Illinois Products Day. Directs the Department of Agriculture's Illinois Product Logo Program to assist in increasing awareness and sales of Illinois food and agribusiness products. 5 ILCS 490/175.

**Public Act 98-411, effective August 16, 2013.** Amends the State Comptroller Act. Authorizes the Comptroller to issue a replacement warrant on the Warrant Escheat Fund to a person or entity entitled thereto if 5 years but no more than 10 years have passed since the date of the original warrant's issuance. Sets forth requirements for the issuance of replacement warrants under those circumstances. 15 ILCS 405/10.10, 10.13, 20.

**Public Act 98-412, effective January 1, 2014.** Amends the Department of Transportation Law of the Civil Administrative Code of Illinois. Provides that the Department of Transportation, prior to commencement of a construction project, shall work with affected businesses, residents, and other

community members to mitigate project impacts, including but not limited to the possible posting of signs and detour routing. Requires notification of affected businesses in addition to local public officials prior to the commencement of construction projects that require the closure of a street or traffic lanes. 20 ILCS 2705/2705-605.

**Public Act 98-438, effective August 16, 2013.** Amends the Hospital Basic Services Preservation Act. Provides that if the State Treasurer determines that any public moneys in the Hospital Basic Services Preservation Fund are no longer necessary to collateralize loans from financial institutions, then the Treasurer may transfer any unobligated and unexpended moneys from the Hospital Basic Services Preservation Fund into the General Revenue Fund. Further provides that if all amounts from every collateralization of basic service loans from eligible expenses related to completing, attaining, or upgrading basic services under existing agreements have been returned to the Hospital Basic Services Preservation Fund and have been transferred by the State Treasurer into the General Revenue Fund, the Treasurer shall file a declaration with the Index Department of the Office of the Secretary of State. Contains a repealer provision. Amends the State Finance Act. Repeals a provision that creates the Hospital Basic Services Preservation Fund in the State Treasury once the Hospital Basic Services Preservation Act is repealed. 20 ILCS 4050/10, 30; 30 ILCS 105/5.659.

**Public Act 98-460, effective January 1, 2014.** Amends the State Budget Law of the Civil Administrative Code of Illinois. Requires the budget to contain a section indicating whether there is a projected budget surplus or a projected budget deficit for general funds in the current fiscal year, or whether the current fiscal year's general funds budget is projected to be balanced, based on estimates prepared by the Governor's Office of Management and Budget using actual figures available on the date the budget is submitted. Requires that section to present this information in both a numerical table format and by way of a narrative description, and to cover the proposed upcoming fiscal year, the current fiscal year, and the 2 years prior to the current fiscal year. Requires these estimates to specifically and separately identify any non-recurring revenues, including, but not limited to, borrowed money, money derived

by borrowing or transferring from other funds, or any non-operating financial source. Prohibits these specifically and separately identified non-recurring revenues from including any revenue that cannot be realized without a change to law. Requires the table to show accounts payable at the end of the fiscal year in a manner that specifically and separately identifies any general funds liabilities accrued during the current and prior fiscal years that may be paid from future fiscal years' appropriations. Requires the budget to include an estimate of individual and corporate income tax overpayments that will not be refunded before the close of the fiscal year (rather than an estimate of unpaid income tax refunds). 15 ILCS 20/50-10.

**Public Act 98-461, effective January 1, 2014.** Amends the State Budget Law of the Civil Administrative Code of Illinois. Provides that within 60 days of its enactment into law, the Governor's Office of Management and Budget shall publish to its website the budget of the State of Illinois for the coming fiscal year in its entirety in specified formats. 15 ILCS 20/50-35.

**Public Act 98-463, effective August 16, 2013.** Creates the First 2013 General Revisory Act. Combines multiple versions of Sections amended by more than one Public Act. Renumbers Sections of various Acts to eliminate duplication. Corrects obsolete cross-references and technical errors. Makes stylistic changes.

**Public Act 98-464, effective January 1, 2014.** Amends the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois. Creates the Childhood Cancer Research Board. Sets forth the membership of the Board. Provides that the Board must review grant applications, make recommendations and comments, and consult with the Department of Public Health in making grants from amounts appropriated from the Childhood Cancer Research Fund to public or private not-for-profit entities for the purpose of conducting childhood cancer research. 20 ILCS 2310/2310-349.

**Public Act 98-580, effective January 1, 2014.** Amends the State Budget Law of the Civil Administrative Code of Illinois. Creates a working group within the commission established for the purpose of advising the Governor in setting outcomes and goals. Provides

that the working group shall study proposals to make the State budgeting process the most transparent, publicly-accessible budgeting process in the nation. Requires the working group to submit a report to the Governor, the General Assembly, and the Commission. Provides that the Section creating the working group is repealed on January 1, 2016. 15 ILCS 20/50-27.

**Public Act 98-585, effective August 27, 2013.** Amends the Department of Transportation Law of the Civil Administrative Code of Illinois. Expands the list of targeted group member classes for the Diversity in Engineering scholarship program to include national origin, ancestry, age, and disability, and modifies the definition so that classes are included as long as the percent employed by the Department is less than the percent employed statewide according to labor statistics and not a specific plan adopted by the Department. Removes the eligibility requirement that applicants be members of a targeted group, and removes the requirement that applicants be full-time students. Directs the Department to establish a process for selecting eligible students that considers obtaining a critical mass of students in the program to remedy the underutilization of targeted group members. Provides that the Department shall adopt rules to implement and administer the scholarship program. 20 ILCS 2705/2705-587.

**Public Act 98-588, effective January 1, 2014.** Amends the Illinois Grant Funds Recovery Act. Provides that grantees and employees of grantees shall not knowingly use grant funds, or goods or services purchased with grant funds, to engage, either directly or indirectly, in a prohibited political activity. Provides that grantees and employees of grantees shall not be knowingly compensated from grant funds for time spent engaging in a prohibited political activity. Provides that a grantee who knowingly violates these provisions is guilty of a business offense and subject to a fine of up to \$5,000. 30 ILCS 705/4.3.

**Public Act 98-589, effective January 1, 2014.** Creates the Grant Information Collection Act. Requires the Chief Information Officer of the State, as designated by the Governor, to coordinate with each State agency to develop, with any existing or newly available resources and technology, appropriate

systems to accurately report data containing financial information. Requires each grantor agency that is authorized to award grants funds to an entity other than the State of Illinois to coordinate with the Chief Information Officer of the State to periodically provide for publication, at data.illinois.gov or any other publicly accessible website designated by the Chief Information Officer, of data sets containing information regarding awards of grant funds that the grantor agency has made during the previous fiscal year.

**Public Act 98-591, effective November 15, 2013.** Amends Public Acts 98-27, 98-35, 98-50, and 98-64 by: adding certain appropriations; changing the amount, purpose, or wording of certain appropriations and reappropriations; and repealing certain appropriations.

## Taxes

**Public Act 98-352, effective January 1, 2014.** Amends the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, the Retailers' Occupation Tax Act. Provides that a person who knowingly sells, purchases, installs, transfers, possesses, uses, or accesses any automated sales device, zipper, or phantom-ware for use in an electronic cash register or other point-of-sale system in this State is guilty of a Class 3 felony. 35 ILCS 105/14; 35 ILCS 110/15; 35 ILCS 115/15; 35 ILCS 120/13.

**Public Act 98-421, effective August 16, 2013.** Amends the State Comptroller Act. Provides that a provision requiring payment by electronic funds transfer of any itemized voucher for under \$5 does not apply to vouchers presented by the Department of Revenue for the payment of refunds of taxes administered by the Department. 15 ILCS 405/9.

**Public Act 98-422, effective August 16, 2013.** Amends the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act. Makes changes concerning an exemption for petroleum products to provide that the exemption applies to fuel and petroleum products sold to or used by an air carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight that (i) is engaged in foreign trade or (ii) is engaged in trade between the United States

and any of its possessions, and (iii) transports at least one individual or package for hire from the city of origination to the city of final destination on the same aircraft, without regard to a change in the flight number of that aircraft. 35 ILCS 105/3-5; 35 ILCS 110/3-5; 35 ILCS 115/3-5; 35 ILCS 120/2-5.

**Public Act 98-425, effective August 16, 2013.** Amends the Department of Revenue Law of the Civil Administrative Code of Illinois. Provides that the Department may adopt rules and regulations for payment by credit card of any amount due under any Act administered by the Department only when the Department is not required to pay a discount fee charged by the credit card issuer. Provides that the balance of moneys on deposit in any commercial checking account established by the Department of Revenue shall not exceed \$25,000 (instead of \$5,000) at any one time, nor shall any one check written on or single withdrawal made from any of those accounts exceed \$25,000 (instead of \$5,000). Amends the Uniform Penalty and Interest Act. Provides that, after December 31, 2013, interest paid by the Department and interest charged to taxpayers by the Department shall be at the underpayment rate established under Section 6621 of the Internal Revenue Code. Provides that a penalty of \$100 shall be imposed for failure to file a transaction reporting return required by the Retailers' Occupation Tax Act or the Use Tax Act. 20 ILCS 2505/2505-255, 2505-310; 35 ILCS 735/3-2, 3-3.

**Public Act 98-446, effective August 16, 2013.** Amends the Illinois Income Tax Act and the Retailers' Occupation Tax Act. Provides that the time limitation period on the Department of Revenue's right to file a notice of lien shall not run during the term of a repayment plan that taxpayer has entered into with the Department, as long as taxpayer remains in compliance with the terms of the repayment plan. 35 ILCS 5/1101; 35 ILCS 120/5a.

**Public Act 98-456, effective August 16, 2013.** Amends the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act. Provides that an exemption for equipment used in coal and aggregate exploration, mining, offhighway hauling, processing, maintenance, and reclamation applies on and after

July 1, 2003, but no claim for credit or refund is allowed on or after the effective date of the amendatory Act of the 97th General Assembly for taxes paid during the period beginning July 1, 2003 and ending on the effective date of the amendatory Act. 35 ILCS 105/3-5; 35 ILCS 110/3-5; 35 ILCS 115/3-5; 35 ILCS 120/2-5.

**Public Act 98-478, effective January 1, 2014.** Amends the Illinois Income Tax Act. In a Section concerning apportionment of business income, provides that, if the apportionment provisions do not fairly represent the market for the person's goods, services, or other sources of business income (instead of "the extent of a person's business activity in this State"), a person may petition for, or the Director may permit or require, the following: (1) separate accounting; (2) the exclusion of any one or more factors; (3) the inclusion of one or more additional factors; or (4) the employment of any other method to effectuate an equitable allocation and apportionment of the person's business income. Provides that provisions of the bill concerning non-resident partners and shareholders and composite returns apply for taxable years ending prior to December 31, 2014 (now December 31, 2013). Makes changes concerning withholdings by partnerships, Subchapter S corporations, and trusts. 35 ILCS 5/304, 502, 709.5.

**Public Act 98-496, effective January 1, 2014.** Amends the Department of Revenue Law of the Civil Administrative Code of Illinois. Provides that the Department of Revenue may deny a certificate of registration to any applicant if any owner, partner, manager, or member is in default of a tax or fee Act administered by the Department. Amends the State Finance Act to provide that the Department of Revenue may maintain a petty cash fund not to exceed \$2,000. Amends the Illinois Income Tax Act. Provides that payments received from the assignment of a prize under the Illinois Lottery Law are allocable to this State. Amends the Use Tax Act, the Service Use Tax, the Service Occupation Tax Act, and Retailers' Occupation Tax Act. Provides that the Department may disallow a vendor's discount to retailers and servicemen whose certificates of registration are revoked. 20 ILCS 2505/2505-380; 30 ILCS 105/13.3; 35 ILCS 5/303, 304, 701, 710, 905; 35 ILCS 120/2a.

Public Act 98-534, effective August 23, 2013. Amends the Use Tax Act, the Service Use Tax Act, and the Service Occupation Tax Act. Provides that an exemption for materials, parts, equipment, components, and furnishings incorporated into an aircraft applies only to the use of qualifying tangible personal property by persons who modify, refurbish, complete, repair, replace, or maintain aircraft (instead of "organizations"). Provides that the changes are declarative of existing law. Amends the Retailers' Occupation Tax Act, provides that an exemption for materials, parts, equipment, components, and furnishings incorporated into an aircraft applies only to the sale of that qualifying tangible personal property to persons who modify, refurbish, complete, replace, or maintain an aircraft. 35 ILCS 105/3-5; 35 ILCS 110/3-5; 35 ILCS 115/3-5; 35 ILCS 120/2-5.

**Public Act 98-574, effective January 1, 2014.** Amends the Automobile Renting Occupation and Use Tax Act. Provides that the term "automobile" includes a motor vehicle that has a Gross Vehicle Weight Rating, as defined in the Illinois Vehicle Code, of 8,000 pounds or less. 35 ILCS 105/3-5; 35 ILCS 120/2-5; 35 ILCS 155/2.

**Public Act 98-583, effective January 1, 2014.** Amends the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act. Provides that sales of electricity, natural or artificial gas, and water are not subject to the taxes imposed under the Acts. Provides that a manufacturing exemption under the Acts does not apply to machinery and equipment used in (i) the generation of electricity for wholesale or retail sale; (ii) the generation or treatment of natural or artificial gas for wholesale or retail sale that is delivered to customers through pipes, pipelines, or mains; and (iii) the treatment of water for wholesale or retail sale that is delivered to customers through pipes, pipelines, or mains. In the Retailers' Occupation Tax Act, provides that publicly-traded corporations are required to submit the name and title of the Chief Financial Officer, Chief Operating Officer, and any other officer or employee with responsibility for preparing tax returns under this Act, along with the last 4 digits of each of their social security numbers when applying for a certificate of registration. 35 ILCS 105/3, 3-5, 3-25, 3-50; 35 ILCS 110/2, 3, 3-25; 35 ILCS

115/2, 3, 3-25; 35 ILCS 120/1d, 2, 2-5, 2-25, 2-45, 2a.

**Public Act 98-584, effective August 27, 2013.** Amends the Department of Revenue Law of the Civil Administrative Code of Illinois. Makes a technical correction concerning a cross-reference. Amends the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act. Provides that, in the case of a return that is not filed at the required time, a notice of tax liability may be issued on and after each July 1, and January 1 for returns filed more than 3 years prior to that July 1 or January 1. Makes changes concerning rolling stock. Sets forth provisions regarding "use as rolling stock moving in interstate commerce" for aircraft and watercraft purchased on or after January 1, 2014 (rather than for all aircraft and watercraft beginning July 1, 2013). Requires the person claiming the exemption to make an election at the time of purchase to use either the trips or mileage method and document that election in their books and records. Provides that property purchased on or after January 1, 2014 for the purpose of being attached to aircraft or watercraft qualifies as rolling stock moving in interstate commerce only if the aircraft or watercraft to which it will be attached qualifies as rolling stock moving in interstate commerce and regardless of when the aircraft or watercraft was purchased. Further requires persons who purchased aircraft or watercraft prior to January 1, 2014 to make an election to use either the trips or mileage method and document that election in their books and records for the purpose of determining whether property purchased on or after January 1, 2014 for the purpose of being attached to aircraft or watercraft qualifies as rolling stock moving in interstate commerce. Makes corresponding changes in the Service Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act. 20 ILCS 2505/2505-250; 35 ILCS 105/3-61; 35 ILCS 110/3-51; 35 ILCS 120/2-51, 5; 55 ILCS 5/5-1006.5, 5-1006.7, 5-1035; 65 ILCS 5/8-11-1.1, 8-11-9;; 415 ILCS 5/55.8.

### Title Insurance

**Public Act 98-387, effective August 16, 2013.** Amends the Title Insurance Act. Defines "financial institution" as any bank subject to the Illinois Banking Act, any savings and loan association subject to the Illinois Savings and Loan Act of 1985, any sav-

ings bank subject to the Savings Bank Act, any credit union subject to the Illinois Credit Union Act, and any federally chartered commercial bank, savings and loan association, savings bank, or credit union organized and operated in this State pursuant to the laws of the United States. Provides that in addition to the good funds disbursement authorization set forth in the provision concerning settlement funds, a title insurance company, title insurance agent, or independent escrowee is authorized to make disbursements in connection with any escrows, settlements, or closings out of a fiduciary trust account or accounts where the funds in the aggregate amount of \$50,000 or greater are received from any single party to the transaction if certain conditions are met. Provides that the added provisions concerning disbursements from fiduciary trust accounts are inoperative on and after January 1, 2015. 215 ILCS 155/3, 26.

### Townships

**Public Act 98-312, effective August 12, 2013.** Amends the Township Code. Provides that the township shall provide for the maintenance of a monument or memorial erected pursuant to a vote by voters of the township. 60 ILCS 1/160-5.

**Public Act 98-434, effective January 1, 2014.** Amends the Illinois Power Agency Act. Provides that a municipality or other aggregator of electrical load has the authority to require disclosure of the fuel type, rather than the source, of the electricity being procured or generated on behalf of the aggregation program customers. Provides that the corporate authorities may consider the proposed source of electricity to be procured or generated to be put into the grid on behalf of aggregation program customers in the bidding process. Provides that the Agency and the Commission may collaborate to issue joint guidance on voluntary uniform standards for bidder disclosures of sources of electricity. 20 ILCS 3855/1-92.

**Public Act 98-443, effective August 16, 2013.** Amends the Township Code. Provides that if the chairperson of the township central committee fails to meet certain requirements, the chairperson's political party shall not be permitted to nominate a candidate in the next upcoming consolidated election for any office for which a nomination could have been made at the caucus should the chair-

person of the township central committee have met the requirements of this Section. 60 ILCS 1/45-10.

**Public Act 98-454, effective August 16, 2013.** Amends the Illinois Highway Code. Provides that certification of a tax levy approved by a majority of ballots at election may be certified by the township board of trustees, the highway board of trustees, or the highway commissioner in a county not under township organization at any time after the election. 605 ILCS 5/6-602.

**Public Act 98-549, effective August 26, 2013.** Amends the Township Code. Provides the township or township road district may lease or sell (now dispose of) personal property by a vote of the township board or request of the township highway commissioner. Deletes references to personal property valued for sale at \$2,500 or less. Further provides that the notice and competitive bidding procedure shall not be followed when real or personal property is declared surplus by the township board or the highway commissioner (now the electors). Provides that the township board or the highway commissioner may authorize the sale of personal property by public auction conducted by a licensed auctioneer or through an approved Internet auction service. 60 ILCS 1/30-50.

**Public Act 98-590, effective November 13, 2013.** Amends the Township Code. Provides for the dissolution of the Wood River Township Hospital. Provides for the wrapping-up of the affairs of the hospital, the transfer and disposal of surplus funds, any outstanding indebtedness, tax collection and enforcement, and any pending litigation against the Wood River Township Hospital. 60 ILCS 1/170-65.

### Universities and Colleges

**Public Act 98-306, effective August 12, 2013.** Amends the Interscholastic Athletic Organization Act. Requires the Illinois High School Association to post a training video on hands-only cardiopulmonary resuscitation and automated external defibrillators on the association's Internet website, but only if it is provided to the association free of charge and is no more than 15 minutes in length. Requires school districts to notify parents and staff in newsletters, bulletins, calendars, or other correspondence currently published by the school district of the posted

video and encourage parents and staff to view it. 110 ILCS 305/7e-5; 110 ILCS 520/8d-5; 110 ILCS 660/5-88; 110 ILCS 665/10-88; 110 ILCS 670/15-88; 110 ILCS 675/20-88; 110 ILCS 680/25-88; 110 ILCS 685/30-88; 110 ILCS 690/35-88; 110 ILCS 805/6-4, 6-4a.

**Public Act 98-314, effective August 12, 2013.** Amends the Higher Education Student Assistance Act in the provision concerning the Illinois National Guard and Naval Militia grant program. Provides that beginning with the 2013-2014 academic year, any person who has served over 10 years in the Illinois National Guard shall be awarded an additional grant to the State-controlled university or community college of his or her choice, consisting of an exemption from tuition and fees for not more than the equivalent of an additional 2 years of full-time enrollment, including summer terms. 110 ILCS 947/45.

**Public Act 98-316, effective January 1, 2014.** Amends various Acts relating to the governance of public universities in Illinois and the Public Community College Act. Requires that the governing board of each public university and community college give the earliest possible enrollment opportunity that the institution offers to a service member or veteran who is a resident of this State. Provides that this priority enrollment shall apply to enrollment for all degree and certificate programs offered by the institution after the student's eligibility to receive benefits has been verified by the institution. Creates a definition for "service member." 110 ILCS 305/85; 110 ILCS 520/70; 110 ILCS 660/5-180; 110 ILCS 665/10-180; 110 ILCS 670/15-180; 110 ILCS 675/20-185; 110 ILCS 680/25-180; 110 ILCS 685/30-190; 110 ILCS 690/35-185.

**Public Act 98-347, effective August 14, 2013.** Amends the Military Leave of Absence Act. Provides that any full-time employee of a public institution of higher education who is a member of any reserve component of the United States Armed Forces or of any reserve component of the Illinois State Militia shall be granted leave from his or her public employment for any period actively spent in military service. Requires compensation for military activities, as well as compensation for service as a public employee, to be based on a daily rate of compensation. Sets forth a formula for determining the amount to be offset from an employee's compensation during leaves of

absence due to military service. 5 ILCS 325/1.

**Public Act 98-361, effective January 1, 2014.** Amends the Educator Licensure Article of the School Code. Provides that applicants seeking a Professional Educator License or an Educator License with Stipulations shall be required to pass a test of basic skills before the license is issued, unless the endorsement the individual is seeking does not require passage of the test. Provides that all applicants completing Illinois-approved, teacher education or school service personnel preparation programs shall be required to pass the State Board of Education's recognized test of basic skills prior to starting their student teaching or starting the final semester of their internship, unless required earlier at the discretion of the recognized, Illinois institution in which they are completing their approved program (instead of providing that no candidate may be fully admitted into an educator preparation program at a recognized, Illinois institution until he or she has passed a test of basic skills). 105 ILCS 5/21B-30.

**Public Act 98-533, effective August 23, 2013.** Amends the Higher Education Student Assistance Act with respect to the Golden Apple Scholars of Illinois Program. Provides that the Illinois Student Assistance Commission shall administer the Golden Apple Scholars of Illinois Program, which shall be managed by the Golden Apple Foundation for Excellence in Teaching pursuant to the terms of a grant agreement meeting the requirements of the Illinois Grant Funds Recovery Act. Makes changes concerning the award of a Golden Apple Scholars of Illinois Program scholarship to qualified students, the consolidation of the Illinois Future Teacher Corps Program and the Golden Apple Scholars of Illinois Program, the award of grant funds to the Foundation, the distribution of scholarship funds, the maximum amount of a scholarship, ineligibility for scholarship assistance, applications for scholarship assistance, appropriations for scholarships, administration, the teaching obligation agreement, repayment of a scholarship, reporting to the Commission, and an annual audit. Amends the State Finance Act and the Illinois Vehicle Code to change references from the Illinois Future Teacher Corps Scholarship Fund to the Golden Apple Scholars of Illinois Fund and to make changes concerning the appropriation of moneys from the Fund. 30 ILCS

105/5.562; 110 ILCS 947/52; 625 ILCS 5/3-648.

## Veterans

**Public Act 98-310, effective August 12, 2013.** Amends the Department of Veterans Affairs Act. Provides that for fiscal year 2014, the Illinois Discharged Servicemember Task Force shall include the needs of women veterans with respect to issues including, but not limited to, compensation, rehabilitation, outreach, health care, and issues facing women veterans in the community, and to offer recommendations on how best to alleviate these needs which shall be included in the Task Force Annual Report for 2014. 20 ILCS 2805/20.

**Public Act 98-347, effective August 14, 2013.** Amends the Military Leave of Absence Act. Provides that any full-time employee of a public institution of higher education who is a member of any reserve component of the United States Armed Forces or of any reserve component of the Illinois State Militia shall be granted leave from his or her public employment for any period actively spent in military service. Requires compensation for military activities, as well as compensation for service as a public employee, to be based on a daily rate of compensation. Sets forth a formula for determining the amount to be offset from an employee's compensation during leaves of absence due to military service. 5 ILCS 325/1.

## Weights and Measures

**Public Act 98-342, effective August 13, 2013.** Amends the Weights and Measures Act. Provides that weights and measures or weighing and measuring devices used for commercial or law enforcement purposes must have a Certificate of Conformance or have been certified by the Department or the city sealer on or before July 1, 2012. Provides that any apparatus certified by the Department or city sealer as of July 1, 2012 satisfies construction and installation requirements. Provides that the Department shall furnish an identification plate for registration and tracking purposes for any type of weight or measure or weighing or measuring device is impracticable to mark as required by the Act. 225 ILCS 470/8, 30, 36.

## Weapons

**Public Act 98-508, effective August 19, 2013.** Amends the Firearm Owners Identification Card Act. Provides that a private party who sells or transfers a firearm must use the



State Police's dial-up system to verify that the buyer or transferee is the holder of a valid Firearm Owners Identification (FOID) card before making the transfer. Provides for exceptions; sets forth record keeping requirements. Requires the State Police to develop an Internet-based system for individuals to determine the validity of a FOID card prior to sale or transfer. Amends the Criminal Code of 2012. Provides that the sellers and transferors of firearms who determine the validity of a FOID card prior to sale or transfer are not civilly liable for any misuse of the firearm by the buyer or transferee. Provides that the owner of a lost or stolen firearm must report the loss or theft of the firearm to law enforcement within 72 hours of discovering the loss or theft. 430 ILCS 65/3, 3.3, 8; 720 ILCS 5/24-3, 24-4.1.

### **Workplace**

**Public Act 98-430, effective January 1, 2014.** Creates the Workplace Violence Prevention Act. Contains a purpose statement and defines terms. Provides that an employer may seek an order of protection to prohibit further violence or threats of violence by a person if: (1) the employee has suffered unlawful violence or a credible threat of violence from the person; and (2) the unlawful violence has been carried out at the employee's place of work or the credible threat of violence can reasonably be constructed to be carried out at the employee's place of work by the person. Provides that an employer may obtain an order of protection under the Illinois Domestic Violence Act of 1986 if the employer: (1) files an affidavit that shows, to the satisfaction of the court, rea-

sonable proof that an employee has suffered either unlawful violence or a credible threat of violence by the defendant; and (2) demonstrates that great or irreparable harm has been suffered, will be suffered, or is likely to be suffered by the employee. Provides that employer remedies under the Act are limited to an order of protection, but that nothing in the Act waives, reduces, or diminishes any other remedy available to an employer under any other mechanism. Provides that the Act does not apply to cases involving or growing out of a labor dispute governed by other State or federal law. Provides that issues of jurisdiction, venue, procedure, and enforcement shall be governed by the Illinois Domestic Violence Act of 1986, and that law enforcement personnel shall have the same responsibilities as provided in that Act. ■

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### February

**Wednesday 2/5/14- Webinar**—Introduction to Fastcase Legal Research. Presented by the Illinois State Bar Association – Complimentary to ISBA Members Only. 11:00.

**Thursday, 2/6/14- Teleseminar**—Funding Unfunded Testamentary Trusts in Estate Planning. Presented by the Illinois State Bar Association. 12-1.

**Friday, 2/7/14- Teleseminar**—2014 Retaliation in Employment Law Update. Presented by the Illinois State Bar Association. 12-1.

**Friday, 2/7/14- Webinar**—Advanced Tips to Fastcase Legal Research. Presented by the Illinois State Bar Association – Complimentary to ISBA Members Only. 11:00.

**Friday, 2/7/14- Bloomington-Normal, Marriott Hotel and Conference Center**—Hot Topics in Agricultural Law- 2014. Presented by the ISBA Agricultural Law Section. All Day.

**Friday, 2/7/14- Chicago, ISBA Regional Office**—2014 Federal Tax Conference. Presented by the ISBA Federal Taxation Section. All Day.

**Monday, 2/10/14- Teleseminar**—Treatment of Trusts in Marital Separation (Live replay from 11/5/13). Presented by the Illinois State Bar Association. 12-1.

**Tuesday, 2/11/14- Teleseminar**—Successor Liability in Business Transaction: The Risk of Selling Assets but Retaining Liability. Presented by the Illinois State Bar Association. 12-1.

**Wednesday, 2/12/14- Teleseminar**—Small Commercial Leases: Negotiating and Drafting Issues. Presented by the Illinois State Bar Association. 12-1.

**Wednesday, 2/12/14- Webinar**—Boolean (Keyword) Searches on Fastcase. Presented by the Illinois State Bar Association – Complimentary to ISBA Members Only. 11:00

**Wednesday, 2/12/14- Chicago, ISBA Regional Office**—Tort Law Back to Basics. Presented by the ISBA Tort Law Section. All Day.

**Thursday, 2/13/14- Live Studio Webcast**—PHI (Formerly known as Medical Records). Presented by the ISBA Tort Law Section. 9-10.

**Thursday, 2/13/14- Live Studio Webcast**—Crowd Funding 101. Presented by the ISBA Intellectual Property Section. 10:30-11:30.

**Thursday, 2/13/14- Chicago, ISBA Regional Office**—Illinois Sales Tax Sourcing- Did the Hartney Fuel Oil Opinion Change Your Sales Tax Rate?. Presented by the ISBA State and Local Tax Section. 1-3:30.

**Thursday, 2/13/14- Live Webcast**—Illinois Sales Tax Sourcing- Did the Hartney Fuel Oil Opinion Change Your Sales Tax Rate? Presented by the ISBA State and Local Tax Section. 1-3:30.

**Monday, 2/17/14- Chicago, ISBA Regional Office**—Advanced Workers' Compensation. Presented by the ISBA Workers' Compensation Section. 9-4:30.

**Monday, 2/17/14- Fairview Heights, Four Points Sheraton**—Advanced Workers' Compensation. Presented by the ISBA Workers' Compensation Section. 9-4:30.

**Tuesday, 2/18/14- Teleseminar**—Role of Public Benefits in Estate Planning for All Clients. Presented by the Illinois State Bar Association. 12-1.

**Wednesday, 2/19/14- Teleseminar**—Recession in Business Transactions: How to Fix Something That's Gone Wrong. Presented by the Illinois State Bar Association. 12-1.

**Thursday, 2/20/14- Teleseminar**—Private Company Directors: Fiduciary Duties & Liability. Presented by the Illinois State Bar Association. 12-1.

**Friday, 2/21/14- Chicago, ISBA Regional Office**—Bullying: What it is, Where it is,

and What Your Clients Can Do About It. Presented by the ISBA Committee on Women and the Law, Co-Sponsored by the ISBA Tort Law Section, the Child Law Section, the Education Law Section, SOGI, and the ABA YLD (pending). 8:30-12.

**Friday, 2/21/14- Live Webcast**—Bullying: What it is, Where it is, and What Your Clients Can Do About It. Presented by the ISBA Committee on Women and the Law, Co-Sponsored by the ISBA Tort Law Section, the Child Law Section, the Education Law Section, SOGI, and the ABA YLD (pending). 8:30-12.

**Friday, 2/21/14- Live Studio Webcast**—Experts Exposed: Expert Practice in Federal Court from A to Z. Presented by the ISBA Federal Civil Practice Section. 1-2:30.

**Wednesday, 2/26/14- Teleseminar**—Structuring Profits Interest in LLCs/Partnerships. Presented by the Illinois State Bar Association. 12-1.

**Thursday, 2/27/14- Teleseminar**—Choice of Entity Considerations for Nonprofits. Presented by the Illinois State Bar Association. 12-1.

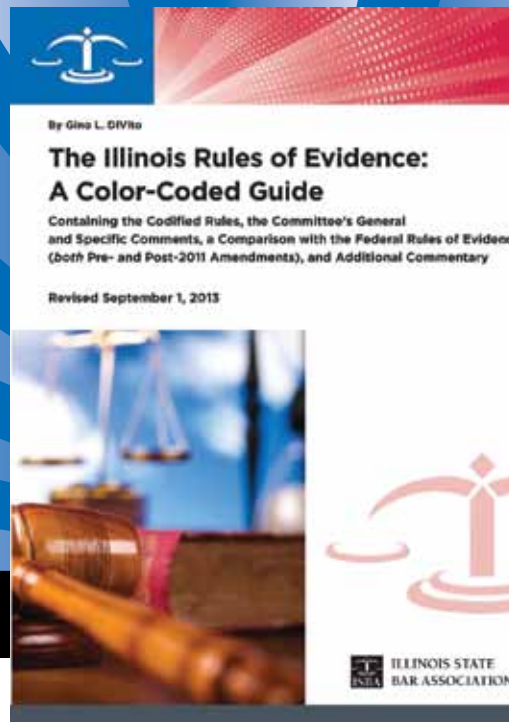
**Thursday, 2/27/14- East Peoria, Holiday Inn and Suites**—SETTLE IT!- Resolving Financial Family Law Conundrums. Presented by the ISBA Family Law Section and the ISBA Alternative Dispute Resolution Committee. 8:00-5:00.

**Thursday, 2/27/14- Chicago, ISBA Regional Office**—Practical, Technological, Financial and Ethical Tips for Running Your Own Practice. Presented by the ISBA Young Lawyers Division. 1-3.

**Thursday, 2/27/14- Live Webcast**—Practical, Technological, Financial and Ethical Tips for Running Your Own Practice. Presented by the ISBA Young Lawyers Division. 1-3.

**Thursday, 2/27/14- Live Studio Webcast**—Basics of a Criminal Sentencing Hearing. Presented by the ISBA Committee on Corrections and Sentencing. 3:30-4:30. ■

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