



ILLINOIS STATE
BAR ASSOCIATION

STANDING COMMITTEE ON GOVERNMENT LAWYERS

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

Legislative update

By Lynn Patton, Springfield

The 93rd General Assembly adjourned its spring session on July 24, 2004, following an overtime session that lasted for weeks to pass a State budget. The General Assembly will return for the fall veto session on November 8, 2004, and is currently scheduled to be in session for only several days. In the meantime, the following is a summary of those bills that passed both Houses of the General Assembly this spring, have been signed into law by the Governor and may be of general interest to government lawyers. The complete text of each public act may be viewed on the General Assembly's Web site at <www.legis.state.il.us>.

Public Act 93-0671 (SB 1676)

Provides that the fee for recording non-certified copies of records in third-class counties shall not exceed one half of the amount charged for certified copies, according to a scale of standard fees, established by county ordinance and made public. Effective June 1, 2004.

Public Act 93-0672 (SB 1645)

Amends the Minimum Wage Law to provide that overtime compensation provisions do not apply to: (1) any employee of a governmental body excluded from the definition of "employee" under certain provisions

of the Fair Labor Standards Act of 1938; or (2) persons employed in an executive, administrative, or professional capacity, as defined by or covered by the Federal Fair Labor Standards Act of 1938 and the rules adopted under that Act, as both existed on March 30, 2003, but compensated at the amount of salary specified in certain provisions of the Code of Federal Regulations as proposed in the Federal Register on March 31, 2003, or a greater amount of salary as may be adopted by the United States Department of Labor. Provides that a governmental body is not in violation of the overtime compensation provisions if it provides compensatory time pursuant to certain provisions of the Federal Fair Labor Standards Act of 1938, or is engaged in fire protection or law enforcement activities and meets certain requirements of that Act. Effective April 2, 2004.

Public Act 93-0685 (SB 1897)

Amends the State Officials and Employees Ethics Act, the Election Code and the Illinois Pension Code. With respect to the definition of "political," excludes activities in furtherance of a person's governmental or public service functions. With respect to the prohibition against the use of State funds for items promoting executive branch constitutional officers and General Assembly members, specifies that the prohibition is against promotional items not in furtherance of a person's official State duties or governmental and public service functions. Provides that the executive director and staff of the Legislative Ethics

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Commission and the staff of the Office of the Legislative Inspector General must be approved by at least three of the four legislative leaders. Provides that guidance provided to an ethics officer, General Assembly member, or employee by the Office of the Legislative Inspector General, a Special Legislative Inspector General, the Legislative Ethics Commission, an ethics officer, or a person designated by a legislative leader at the request of an ethics officer, member, or employee, and those requests for guidance, as to the interpretation or application of the State Officials and Employees Ethics Act are exempt from the Freedom of Information Act.

Amends the Election Code and provides, with respect to the use of the funds of a political committee or other reporting organization, that none of the Campaign Finance Article's restrictions prohibits use to defray the customary and reasonable (now, ordinary and necessary) expenses of an officeholder in connection with the performance of governmental and public service functions (now, governmental duties).

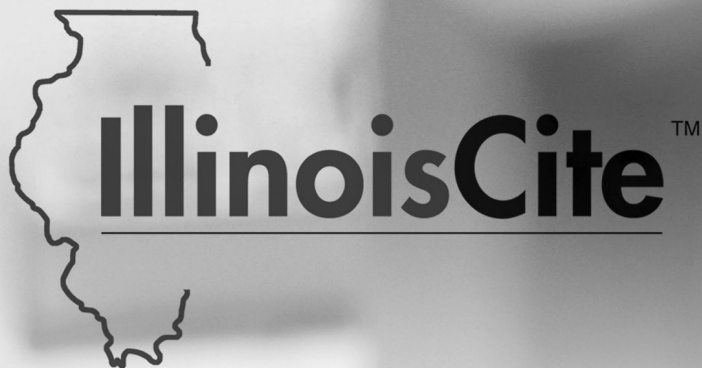
Amends the Illinois Pension Code to provide that a commissioner of an ethics commission is not an employee for purposes of the Pension Code, unless the person elects to participate. Provides that the retirement annuity or other benefit under the Code of a person who serves part-time as Legislative Inspector General, Special Legislative Inspector General, Executive Director or employee of the Office of the Legislative Inspector General, or

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employee of the Legislative Ethics Commission shall not be subject to forfeiture, diminishment, suspension, or other impairment solely by virtue of that service and that the person does not participate in any pension fund or retirement system under the Code with respect to that service, unless the person is qualified to so participate and affirmatively elects to so participate. Provides that a person who serves part-time as Legislative Inspector General, Special Legislative Inspector General, Executive Director or employee of the Office of the Legislative Inspector General, or employee of the Ethics Commission may participate in the State Employees Retirement System with respect to that service, but only if he or she affirmatively elects to participate in the System with respect to that service. Provides that certain provisions in the Judges Article concerning the suspension of the pension of a person who reenters State employment do not apply to a part-time Legislative Inspector General, Special Legislative Inspector General, Executive Director or employee of the Office of the Legislative Inspector General, or employee of the Legislative Ethics Commission who has not elected to participate under the State Employees Article with respect to that service. Defines a "part-time" position as one in which the person is not required to work at least 35 hours a week. Effective July 8, 2004.

Public Act 93-0686 (SB 2123)

Amends the Election Code to authorize the State Board of Elections to take such action as necessary to give effect to directions of the national committee of an established political party regarding certification of the Presidential and Vice Presidential candidate selected at the national nominating convention in 2004. Effective July 8, 2004.

Public Act 93-0690 (HB 0753)

Amends the Property Tax Code and the School Code to allow, among other things, a school district (other than the Chicago school district) that: (1) is located in a county subject to the Property Tax Extension Limitation Law; (2) had a total enrollment of at least 1,075 students as shown on the 2003 Illinois State Report Card; and (3) had a school building condemned after January 1, 2004 and prior to June

30, 2004 to levy an annual property tax not to exceed 0.05 percent for a period not to exceed seven years for the purpose of providing for the repayment of State moneys distributed for temporary relocation expenses of the district. Allows the district to repair, reconstruct, or replace a condemned building without seeking referendum approval for the repair, reconstruction, or replacement. Allows the district to issue bonds, without referendum, in an amount sufficient to finance the total cost of repair, reconstruction, or replacement. Under the Property Tax Extension Limitation Law, excludes, from the definition of "aggregate extension" for taxing districts to which the Law applied before the 1995 levy year, extensions made for temporary relocation loan repayment purposes and extensions made for payment of principal and interest on bonds. Effective July 1, 2004.

Public Act 93-0697 (HB 7263)

Amends the Flag Display Act to authorize a county board to provide for the flying of an MIA flag at the county courthouse. Effective July 9, 2004.

Public Act 93-0698 (SB 1576)

Amends the Illinois Municipal Code to restore a provision that prohibits a municipality from exercising certain powers outside its corporate limits with respect to a telecommunications carrier, but also provides that, notwithstanding any other provision of law to the contrary, at least 30 days prior to commencing construction of a telecommunications facility, the telecommunications carrier shall provide written notice of its intent to construct the facility to certain property owners. Establishes notice requirements. Defines the term "facility." Effective July 9, 2004.

Public Act 93-0703 (SB 2442)

Amends the Illinois Municipal Code to provide that an ordinance to vacate a street or alley shall reserve to a municipality or to a public utility owning any public facilities on the parcel to be vacated, any property, rights of way, and easements that the corporate authorities of the municipality judge to be necessary or desirable for continuing public service and for the maintenance, renewal, and reconstruction of those public facilities.

Effective July 9, 2004.

Public Act 93-0704 (SB 2480)

Amends the Illinois Vehicle Code. Repeals a provision providing that the highway commissioner in each road district may contract for the construction or repair of roads and bridges lying wholly within the limits of the commissioner's district and that, if the cost of the contract or expenditure is more than \$5,000, the highway commissioner may not make any payment without the approval of the county superintendent of highways or the highway board of auditors. Deletes language in another provision providing that, when a road or bridge that is on the line between 2 road districts is to be repaired or constructed at a cost of more than \$1,000, a contract may not be let, and no payment may be made, without the approval of the county superintendent or the county board of auditors. Effective July 9, 2004.

Public Act 93-0720 (HB 6618)

Amends the Child Labor Law. In provisions requiring a parent or guardian to accompany a 12 or 13 year old minor who is officiating youth sports activities for a not-for-profit youth club, park district, or municipal parks and recreation department, provides that the requirement is also satisfied if an adult designated by the parent or guardian accompanies the minor. Effective July 13, 2004.

Public Act 93-0733 (SB 2448)

Amends the Children and Family Services Act to require the Department to: (1) train all child protective investigators concerning the statutory and constitutional rights of individuals subject to investigation for child abuse and neglect; and (2) require all child protective investigators to inform individuals subject to a child abuse and neglect investigation concerning the specific complaints or allegations made against the individual. Effective January 1, 2005.

Public Act 93-0743 (HB 4026)

Amends the Township Code and the Illinois Highway Code to provide that a township or a road district may borrow money from a bank or financial institution if the money is to be repaid within 10 years. Provides that a township road district, with the

approval of the town board of trustees, may borrow money from the town fund, if the money is to be repaid within 10 years. Provides that a township may construct a township hall under contracts providing for payment over a period of time of not more than 10 years. Provides that a referendum is required for a township to lease, for a period of longer than 10 years, a township hall, a multi-purpose senior center, or a combination. Effective July 15, 2004.

Public Act 93-0744 (HB 4132)

Amends the Plat Act. Provides that counties that are authorized by law to exercise land use control through a building/improvement permit process may deny the issuance of a building permit for building or other improvement to be constructed on a parcel of land subdivided contrary to the provisions of the Act. Effective July 15, 2004.

Public Act 93-0746 (HB 4239)

Amends the Counties Code to provide that any county may establish a neutral site custody exchange fund by the passage of an ordinance by the county board. Effective July 15, 2004.

Public Act 93-0748 (HB 4370)

Amends the Counties Code to provide that a county board may authorize the clerk of the circuit court to charge litigants in civil cases a county law library fee not to exceed \$13. Effective July 15, 2004.

Public Act 93-0750 (SB 2946)

Amends the Illinois Civil Rights Act of 2003. Provides that any party aggrieved by conduct that violates the Act may bring a civil lawsuit in federal or State circuit court (instead of just a State circuit court). Provides that any State claim brought in federal district court shall be a supplemental claim to a federal claim. Provides that the court may grant as relief any permanent or preliminary negative or mandatory injunction. Removes language concerning punitive damages. Effective January 1, 2005.

Public Act 93-0756 (HB 4495)

Amends the Public Funds Investment Act to provide that whenever a public agency invests public funds in an interest-bearing savings account, interest-bearing certificate of

deposit, or interest-bearing time deposit, the statutory requirements pertaining to the eligibility of a bank to receive or hold public deposits or to the pledging of collateral by a bank to secure public deposits do not apply to any bank receiving or holding the funds if: (1) the public agency initiates the investment at or through a bank located in Illinois; and (2) the funds are federally insured. Effective July 16, 2004.

Public Act 93-0757 (HB 4779)

Amends the Illinois Municipal Code to provide that the corporate authorities of a municipality may establish a scattering garden in a municipal cemetery for the purpose of scattering cremated remains. Effective January 1, 2005.

Public Act 93-0758 (HB 4990)

Amends the Property Tax Code. Provides that in hearings, the Property Tax Appeal Board shall not be limited to the evidence presented to the board of review of the county. Provides that a party participating in the hearing before the Property Tax Appeal Board is entitled to introduce evidence that is otherwise proper and admissible without regard to whether that evidence has previously been introduced at a hearing before the board of review of the county. Provides that the changes made by this amendatory Act shall be construed as declaratory of existing law and not as a new enactment. Effective July 16, 2004.

Public Act 93-0759 (HB 5014)

Amends the Property Tax Code. Provides that if a county assessor revises an assessment after the complete assessment list is published, then, the county assessor must publish a subsequent list of all the revised assessments for that year. Effective January 1, 2005.

Public Act 93-0760 (HB 5130)

Amends the Clerks of Courts Act and the Code of Criminal Procedure of 1963 to provide that the fees for petitions to vacate or modify a judgment in counties with a population over 500,000 also apply to petitions to reconsider a judgment. Provides that, in counties having a population in excess of 500,000 inhabitants but less than 3,000,000 inhabitants and in

counties having a population of 3,000,000 or more inhabitants, no fees shall be charged by the clerk to a petitioner in any order of protection including, but not limited to, filing, modifying, withdrawing, certifying, or photocopying petitions for orders of protection, or for issuing alias summons, or for any related filing service, certifying, modifying, vacating, or photocopying any orders of protection. Deletes the language setting a \$300 cap on credit or debit card payments for the cash deposit of bail bond fees that the clerk of the court may accept. Amends the Code of Criminal Procedure of 1963. Provides that, in counties with a population of 3,000,000 or more, the court shall not order bail bond deposited by or on behalf of a defendant in a case to be used to satisfy financial obligations of that same defendant in a different case until the bail bond is first used to satisfy court costs and attorney's fees in the case in which the bail bond has been deposited and any other unpaid child support obligations are satisfied. Provides that, in counties with a population of less than 3,000,000, the court shall not order bail bond deposited by or on behalf of a defendant in one case to be used to satisfy financial obligations of that same defendant in a different case until the bail bond is first used to satisfy court costs in the case in which the bail bond has been deposited. Effective January 1, 2005.

Public Act 93-0769 (HB 4947)

Amends the Illinois Procurement Code. With respect to the small business preference, changes the maximum annual sales or receipts for a business to qualify as small to \$10,000,000 for a wholesaler and \$6,000,000 for a retailer. Effective January 1, 2005.

Public Act 93-0778 (SB 2820)

Creates the Illinois Residential Building Code Act. Provides that a contract to build a home in any municipality or unincorporated portion of a county that does not have a residential building code in effect must include, as part of the construction contract, the applicability of a residential building code that is agreed to by the home builder and the home purchaser. Provides that if a home builder and home purchaser fail to agree to a residential building code or if no residen-

tial building code is stated in the contract, the National Electric Code as adopted by the American National Standards Institute shall, by law, be adopted as part of the construction contract. Effective January 1, 2005.

Public Act 93-0790 (HB 5023)

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 may administer the Downtown Development and Improvement Fund for a revolving loan and grant program for municipalities developing and improving commercial or residential property in the downtown area of a municipality. Defines "downtown" to mean the traditional center business district of a municipality that: (1) has served as the center for socio-economic interaction in the municipality; (2) is characterized by a cohesive core of commercial and mixed use buildings that may be interspersed with civic, religious, and residential buildings and public spaces; and (3) is typically arranged along a main street and intersecting side streets and served by public infrastructure (now, "downtown" is defined to mean an area of a municipality that is now or was once a central business district of the municipality). Effective January 1, 2005.

Public Act 93-0797 (SB 2517)

Creates the Accessible Electronic Information Act. Requires the Secretary of State, as the State Librarian, to develop and implement a program of grants to qualified entities to make newspapers and other time-sensitive printed material available to the blind and disabled in accessible formats produced on a multi-state basis through computer and telecommunication technology. Provides that the program shall be funded by transfers from the Digital Divide Elimination Infrastructure Fund in an amount determined annually by the Illinois Commerce Commission and the State Librarian. Provides that any insufficiencies in the Digital Divide Elimination Infrastructure Fund shall be met by moneys from surcharges on local telecommunications exchange companies for telephone access equipment for the disabled. Effective

July 22, 2004.

Public Act 93-0799 (HB 0754)

Amends the School Code. In a section concerning the debt limitations of school districts, provides that a school district may issue bonds up to an amount, including existing indebtedness, not exceeding 25 percent of the equalized assessed value of the taxable property in the district if, among other conditions, the school board has determined that the enrollment of students is projected to increase by not less than 7 percent during each of the next succeeding two school years and the increase is the result of improvements made or expected to be made to passenger rail facilities located in the district. Effective July 22, 2004.

Public Act 93-0803 (SB 2115)

Amends the School Code. Allows a school or school district to deny enrollment to a student 16 years of age or older for one semester for failure to meet minimum academic or attendance standards if certain conditions are met. Requires a district to identify, track, and report on the educational progress and outcomes of reenrolled students (defined as dropouts who have reenrolled full-time) as a subset of the district's required reporting on all enrollments. Provides that a reenrolled student who again drops out must not be counted again against a district's dropout rate performance measure. Requires the State Board of Education to set performance standards for programs serving reenrolled students. Effective July 23, 2004.

Public Act 93-0808 (HB 4266)

Amends the School Code. In the State aid formula provisions, increases the foundation level of support from \$4,810 to \$5,060. Effective July 26, 2004.

Public Act 93-0813 (HB 5165)

Creates the Social Security Number Protection Task Force Act and establishes the Social Security Number Protection Task Force to examine the procedures used by the State to protect an individual against the unauthorized disclosure of his or her social security number when the State requires the individual to provide his or her social security number to an officer or agency of the State. Requires a report by the first day of the 2004 fall veto session.

Adds a representative of the Department of Employment Security to the task force's membership. Effective July 27, 2004.

Public Act 93-0816 (SB 2683)

Amends the Illinois Governmental Ethics Act. Adds to the list of State employees who must file statements of economic interests those who negotiate, assign, authorize, or grant naming or sponsorship rights to State property or assets. Effective July 27, 2004.

Public Act 93-0820 (SB 2583)

Amends the Abandoned Newborn Infant Protection Act. Provides for relinquishment of a newborn infant to a police station (in addition to a hospital, fire station, or emergency medical facility). Provides that "police station" means a municipal police station or a county sheriff's office. Provides that a police station to which a newborn infant is relinquished must arrange for the transportation of the infant to the nearest hospital as soon as transportation can be arranged. Effective July 27, 2004.

Public Act 93-0822 (HB 4372)

Amends the Service Men's Employment Tenure Act to provide that persons in military service with the State of Illinois or in federal active duty service pursuant to the orders of the President of the United States or the Governor are entitled to certain rights in connection with a stay, postponement, or suspension of court proceedings and a monetary credit or refund of college tuition and fees paid to an institution of higher education if a person is placed into a period of military service pursuant to the orders of the President of the United States or the Governor. Effective July 28, 2004.

Public Act 93-0826 (HB 4567)

Amends the Illinois Procurement Code. Provides that no person or business found by a court or the Illinois Pollution Control Board to have committed a willful or knowing violation of the Environmental Protection Act shall do business with the State of Illinois or any State agency from the date of the order containing the finding of violation until five years after that date. Effective July 28, 2004.

Public Act 93-0833 (SB 2526)

Amends the Military Code of

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Illinois to require the Department of Military Affairs to create and make available a publication setting forth the rights and responsibilities of service members under State and federal law. Effective July 28, 2004.

Public Act 93-0835 (HB 4076)

Amends the Illinois Income Tax Act. Provides that certain confidentiality provisions of the Illinois Income Tax Act do not apply to information furnished to the Department of Public Aid, State's Attorneys, and the Attorney General for child support enforcement purposes. Provides that, if it is necessary to file information obtained pursuant to the Illinois Income Tax Act in a child support proceeding, the information shall be filed under seal. Effective July 29, 2004.

Public Act 93-0844 (HB 4055)

Amends the Liquor Control Act of 1934. Provides that alcoholic liquor may be sold under the authority of a special use permit on property owned by a conservation district organized under the Conservation District Act, provided that: (1) the alcoholic liquor is sold only at an event authorized by the governing board of the conservation district; (2) the issuance of the special use permit is authorized by the local liquor control commissioner of the territory in which the property is located; and (3) the special use permit authorizes the sale of alcoholic liquor for one day or less. Effective July 30, 2004.

Public Act 93-0847 (HB 0629)

Amends the Election Code to change provisions concerning disclosure of electronic voter registration records. Redefines political committees to include persons and groups who engage in electioneering communications of specified monetary amounts. Applies the electioneering communication restrictions to specified periods before all elections and primaries. Permits the notice of a question of public policy that will appear on an election ballot to include an explanation of the question and its purposes in plain language. Provides that the organizational meeting of the county central committee shall occur on the 29th day (rather than the second Monday) next succeeding the primary at which committeemen are elected and the meeting shall be held within the county (rather

than at the county seat). Provides that a vacancy in the office of precinct committeeman may not be filled between the general primary election and the 30th (rather than 14th) day after the general primary election. Specifies the distance of the markers indicating the location of a polling place that is within a building that is a private business or that is within a church or private school that chooses to designate its entire property as a campaign free zone. Exempts Internet communications from certain disclosure requirements for political literature. Prohibits a person from serving on a political party's organizational committee's during a period of conviction for a felony.

Amends the Election Code, the Counties Code, the Township Code, the Illinois Municipal Code, the Revised Cities and Villages Act of 1941, the Fire Protection District Act, the Downstate Forest Preserve District Act, the Public Library District Act of 1991, the School Code, the Public Community College Act, and the Fox Waterway Agency Act to change the dates that various elected officers take office and that various elected bodies hold organizational meetings due to the lengthening of the period for canvassing election returns. Changes requirements concerning residency for certain municipal officer candidates. Provides that the required notice of public questions may include an explanation, in neutral and plain language, of the question and its purposes supplied by the governing body of the political or governmental subdivision to whose voters the question is to be submitted. Effective July 30, 2004.

Public Act 93-0855 (HB 4351)

Amends the Property Tax Code. Requires the county clerks of each county in which there was an under extension to proportionately increase the levy of that taxing district pursuant to a court order if a court, at any time enters a final judgment that there was an over extension or under extension of taxes for an overlapping taxing district. Effective August 2, 2004.

Public Act 93-0857 (SB 2769)

Amends the School Code to provide that no student, with certain limited exceptions, shall receive a regular diploma without taking the Prairie State Achievement Exam. Effective August 3,

2004.

Public Act 93-0858 (SB 2918) -

Amends the School Code. Increases the compulsory school age from 16 to 17 years of age, with exceptions. Provides that certain provisions that apply to truant officers apply to the regional superintendent of schools or his or her designee in a school district that does not have a truant officer. Makes changes concerning the compliance procedure for persons who fail to send a child to school. Allows certain students to enroll in graduation incentives programs. Lists programs that qualify as graduation incentives programs. Provides for reimbursement and funding for programs. Removes one of the requirements that a student enrolled in a graduation incentives program or alternative learning opportunities program must meet in order to be exempt from attending public school. Removes certain eligibility requirements for enrolling in a graduation incentives program. Effective January 1, 2005.

Public Act 93-0859 (SB 3109)

Amends the School Code. Requires the State Board of Education to establish a system to provide for the accurate tracking of transfer students. Provides that the system shall require that a student be counted as a dropout in the calculation of a school's or school district's annual student dropout rate unless the school or school district to which the student transferred sends notification to the school or school district from which the student transferred documenting that the student has enrolled in the transferee school or school district. Provides that the notification must occur within 150 days after the date the student withdraws from the transferor school or school district or the student shall be counted in the calculation of the transferor school's or school district's annual student dropout rate. Provides that all records indicating the school or school district to which a student transferred are subject to the Illinois School Student Records Act. Effective January 1, 2005.

Public Act 93-0893 (HB 4005)

Amends the Disaster Service Volunteer Leave Act and the Local Government Disaster Service Volunteer

Act. Provides that State and local government employees who are assigned to the Illinois Emergency Management Agency, in accordance with specified laws or rules, may be granted leave upon request of the Illinois Emergency Management Agency in the same manner as disaster service volunteers of the American Red Cross. Requires that work leave requests for out-of-state disasters shall be coordinated by the American Red Cross and the Illinois Emergency Management Agency through the Illinois State Emergency Operations Center. Authorizes the Illinois Emergency Management Agency to consult with the Department of Central Management Services on leave issues. Requires that leave for disasters within the United States or its territories shall not be unreasonably denied. Removes the requirement that leave for American Red Cross volunteers must be for service relating to a disaster in Illinois. Effective August 10, 2004.

Public Act 93-0895 (HB 4269)

Amends the Illinois Identification Card Act and the Illinois Vehicle Code. Provides that no identification card, Disabled Person Identification Card, or driver's license shall be issued to any person who holds a valid foreign state identification card, license, or permit unless the person first surrenders to the Secretary of State the valid foreign state identification card, license, or permit. Changes references to "name" and "address" to references to "legal name" and "residence address." Authorizes the Secretary of State to deny an application for an identification card or driver's permit and refuse to issue, renew, or allow the retention of any driver's license if he or she cannot verify the accuracy of information or documentation submitted by the applicant and to cancel or revoke an identification card issued if the holder fails to appear for the reissuance of a card issued in error. Requires any person whose legal name has changed to apply for a corrected identification card, driver's license or permit, or Commercial Driver's License within 30 days after the change. Provides that a person who has changed his or her residence address must notify the Secretary of State of the change in writing within 10 days after the change before he or

she may obtain a corrected identification card. Provides that it is a violation of the Acts to possess, use, or allow to be used any materials, hardware, or software specifically designed for or primarily used in the manufacture, assembly, issuance, or authentication of an official Illinois Identification Card, Illinois Disabled Person Identification Card, driver's license, or permit issued by the Secretary of State. Sets forth restrictions on the release of personal information by the Secretary of State. Effective January 1, 2005.

Public Act 93-0897 (HB 4469)

Amends the Downstate Forest Preserve District Act and the Park District Code to provide that contracts for supplies, materials, and work that exceed \$20,000 must be let by competitive bidding. Effective January 1, 2005.

Public Act 93-0915 (SB 2665)

Creates the Illinois Worker Adjustment and Retraining Notification Act. Provides that an employer may not order a mass layoff, relocation, or employment loss (an "employment loss" is an: employment termination, other than a discharge for cause, voluntary departure, or retirement; a layoff exceeding 6 months; or a reduction in hours of work of more than 50 percent during each month of any six-month period, with specified exceptions) affecting at least a specified minimum number of employees without first giving 60 days' notice (subject to specified exceptions) to the affected employees and their representatives, the Department of Commerce and Economic Opportunity, and the chief elected official of each municipal and county government within which the employment loss, relocation, or mass layoff occurs. Provides for the imposition of civil penalties for violations and gives remedies to employees. Provides for the reduction of an employer's liability under specified circumstances. Requires the Department of Commerce and Economic Opportunity, with the cooperation of the Department of Employment Security, to annually issue a written notice to each employer that reported to the Department of Employment Security that the employer paid wages to 75 or more individuals with respect to any quarter in the immediately preceding calendar year, and specifies contents of the notice. Amends the Department of Employment Security

Law of the Civil Administrative Code of Illinois by repealing provisions requiring the Department of Employment Security to issue a written advisory notice to specified employers concerning the federal Worker Adjustment and Retraining Notification Act. Amends the Unemployment Insurance Act to provide that payments to a person by an employer who is liable to that person under the new Act are not considered wages for purposes of unemployment insurance eligibility. Effective January 1, 2005 and applies to plant closings or relocations occurring on or after that date.

Public Act 93-0932 (SB 3207)

Amends the Asbestos Abatement Authority Act by renaming the Attorney General's Asbestos Litigation Division as the Environmental Enforcement-Asbestos Litigation Division. Further provides that the Environmental Enforcement-Asbestos Litigation Division shall enforce laws, rules, and regulations that protect the State's environment. Provides for asbestos abatement costs recovered by the Division, including damages, penalties, and attorney's fees, to be deposited into the Asbestos Abatement Fund. Effective August 12, 2004.

Public Act 93-0941 (HB 4371)

Amends the Illinois Human Rights Act. Includes, in the term "military status," status as a current member of any reserve component of the armed forces, the Illinois Army National Guard, or the Illinois Air National Guard. Effective August 16, 2004.

Public Act 93-0942 (SB 3211)

Creates the Right to Breastfeed Act. Provides that a mother may breastfeed her baby in any location, public or private, where the mother is otherwise authorized to be, irrespective of whether the nipple of the mother's breast is uncovered during or incidental to the breastfeeding. Provides that a mother considering whether to breastfeed her baby in a place of worship shall comport her behavior with the norms appropriate in that place of worship. Provides a private right of action for a woman who has been denied the right to breastfeed in a public or private location. Effective August 16, 2004.

Public Act 93-0943 (HB 4894)

Amends the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois to provide that, subject to appropriation, the Department of Public Health shall establish and administer a program under which any individual who is not eligible to receive a free influenza vaccination through insurance, a health maintenance organization, or a similar plan shall, upon the individual's request, receive an influenza vaccination once each year at no cost to the eligible individual. Provides that the Department of Public Health shall adopt rules for the administration and operation of the program. Effective January 1, 2005.

Public Act 93-0945 (SB 2901)

Amends the Uniform Disposition of Unclaimed Property Act. Provides that the Act does not apply to a gift certificate if it is the policy and practice of the issuer of the gift certificate or gift card to eliminate all post-sale charges and fees. Amends the Consumer Fraud and Deceptive Business Practices Act. Provides that the Act shall apply to gift certificates (rather than gift cards and gift certificates). Effective January 1, 2005.

Public Act 93-0954 (HB 6983)

Creates the Procurement of Domestic Products Act. In purchasing contracts awarded by State agencies, including universities, requires a preference for products manufactured in the United States unless: (1) they are not available in a reasonable quantity; (2) they are unreasonably more expensive than foreign made products; (3) they are of substantially lower quality than foreign made products; or (4) their purchase is not in the public interest. Requires that bids specify the source of goods. Requires that contracts awarded with the preference contain the contractor's certification as to use of U.S.-made products. Exempts (1) items procured in conjunction with contracts for telecommunications services or Internet or information services; and (2) the purchase of pharmaceuticals, vaccines, certain medical devices, and similar specified items. Amends the Illinois Procurement Code to make conforming changes. Effective January 1, 2005.

Public Act 93-0974 (HB 4247)

Amends the Open Meetings Act to require public bodies to keep written

minutes of closed, as well as open, meetings. Prohibits the inspection of the verbatim record of a closed meeting, including for discovery purposes, in a judicial proceeding other than in a judicial proceeding to determine whether the Act has been violated. Requires a court's examination of verbatim records in a civil proceeding to be conducted *in camera*. Requires that the initial examination in a criminal proceeding must be *in camera*, but other examinations need not be *in camera*. Removes the authority of an administrative hearing officer to redact information that may qualify under the attorney-client privilege. Effective January 1, 2005.

Public Act 93-0992 (HB 1300)

Amends the Counties Code. Provides that a county board may enact by ordinance or resolution a \$10 fee to be paid by the defendant on a judgment of guilty or a grant of supervision under specified provisions of the Unified Code of Corrections to be placed in the county general fund and used to finance the county mental health court. Effective January 1, 2005.

Public Act 93-0996 (HB 6683)

Amends the Liquor Control Act of 1934. Provides that in any township that has voted to prohibit the retail sale of alcoholic liquor, the township board may authorize the local liquor control commissioner to issue a special event retailer's license (not-for-profit) authorizing the sale of beer for up to 3 days per year for up to three years at certain agricultural shows. Effective August 23, 2004.

Public Act 93-1007 (SB 2175)

Amends the Illinois Municipal Code to authorize the owner or owners of record of a split residential lot to disconnect a portion of that lot under certain circumstances by petitioning the court for disconnection in accordance with certain provisions of the Illinois Municipal Code. Authorizes the court to consider certain factors in determining whether the land should be disconnected. Prohibits the subdivision of the disconnected land from a municipality which was incorporated at least two years prior to the date of the filing of the petition for disconnection within one year from the date of disconnection. Prohibits the recording of a proposed plat of subdivision of the lot

within the one-year period unless the land comprising the proposed subdivision was incorporated into a municipality. Provides that, in cities under the managerial form of municipal government with less than 50,000 population, the city council may, by ordinance, provide that the city council shall, after the next biennial general municipal election, consist of six instead of four councilmen. Sets forth procedures for electing the additional councilmen. Effective January 1, 2005.

Public Act 93-1011 (SB 2536)

Amends the State Appellate Defender Act. Provides that the State Appellate Defender may hire investigators to provide investigative services to appointed counsel and county public defenders. Provides that investigators employed by the Death Penalty Trial Assistance and Capital Litigation Division of the State Appellate Defender shall be authorized to inquire with the Law Enforcement Agencies Data System (LEADS) to ascertain whether their potential witnesses have a criminal background. Provides that the authorization applies only to information held on the State level and shall be used only to protect the personal safety of the investigators. Provides that any information that is obtained through this inquiry may not be disclosed by the investigators. Effective January 1, 2005.

Public Act 93-1013 (SB 2635)

Amends the Property Tax Code. Sets forth additional requirements for notifications concerning: (1) the levy or imposition of a tax in a special service area; (2) the establishment of a special service area; (3) tax liens in a special service area; (4) boundary alterations of a special service area; and (5) the issuance of bonds in the special service area. Provides that the notice of the levy and the notice of the issuance of bonds must include the permanent tax index number of each parcel located within the special service area. Provides that a hearing notice and a bond notice in a special service area must also contain a statement as to whether the proposed special services are for new construction, maintenance, or other purposes. Provides that, as an alternative to an *ad valorem* tax based on the whole equalized assessed value of the prop-

erty, the corporate authorities may provide for the *ad valorem* tax to be extended solely upon the equalized assessed value of the land in a special service area, without regard to improvements, if the equalized assessed value of the land in the special service area is at least 75 percent of the total of the whole equalized assessed value of property within the special service area at the time that it was established. Sets forth a notice requirement for such a tax. Effective August 24, 2004.

Public Act 93-1025 (HB 843)

Amends the Township Code. Provides that, beginning on the effective date of the amendatory Act and through December 31, 2004, whenever all the bonds of any township have been fully paid and canceled and there remains any balance to the credit of the bond fund of the township, including any amounts that were in the bond fund prior to the payment in full and cancellation of the bonds, in the hands of the township supervisor, the remaining funds may be appropriated and expended only for purposes relating to the purposes for which the bonds were issued. Effective August 25, 2004.

Public Act 93-1027 (HB 4851)

Creates the Volunteer Firefighter Job Protection Act. Provides that no municipalities with a population of less than 3,500 may terminate an employee who is a volunteer firefighter because the employee, when acting as a volunteer firefighter, is absent from or late to his or her employment in order to respond to an emergency prior to the time the employee is to report to his or her place of employment. Provides that an employee who is terminated in violation of the Act may bring a civil action against his or her employer for reinstatement to the employee's former position, payment of back wages, reinstatement of fringe benefits, and reinstatement of seniority rights. Limits the concurrent exercise of home rule powers. Effective August 25, 2004.

Public Act 93-1029 (SB 3201)

Creates the Nuclear Safety Law of 2004. Transfers to the Illinois Emergency Management Agency various powers and duties concerning nuclear and radioactive materials from the Department of Nuclear Safety, the

Environmental Protection Agency, and the Office of the State Fire Marshal. Transfers personnel and property from the Department of Nuclear Safety to the Illinois Emergency Management Agency. Sets forth the powers and duties of the Illinois Emergency Management Agency concerning the regulation of nuclear and radioactive materials. Repeals the Department of Nuclear Safety Law of the Civil Administrative Code of Illinois. Amends the Nuclear Safety Preparedness Act. Changes references in the Act from the "Department of Nuclear Safety" to the "Illinois Emergency Management Agency." Effective August 25, 2004.

Public Act 93-1035 (SB 73)

Amends the Illinois Administrative Procedure Act. When the Joint Committee on Administrative Rules issues a prohibition against a proposed administrative rule or rule change, authorizes the General Assembly to discontinue the prohibition by joint resolution. Authorizes the General Assembly by joint resolution to discontinue the suspension of an emergency or peremptory rule. Provides that a joint resolution may be introduced by any member of the General Assembly. Authorizes the Joint Committee to withdraw a statement of prohibition or suspension within 180 days after its issuance. Permits an agency to propose changes to a rule for which a statement of prohibition or suspension has been issued and provides that an agency proposing such changes is subject to the same requirements of a second notice period that apply to general rulemaking. Allows an agency to file a new emergency rule if certain requirements are met.

Amends the Illinois Procurement Code. With respect to the requirement of separate bids on specified work subdivisions for construction contracts exceeding a value of \$250,000, for a period of two years exempts a contract for construction of an Emergency Operations Center for the Illinois Emergency Management Agency if: (1) a majority of the funding comes from federal funds; (2) the successful bid identifies the cost of each work subdivision and any subcontractor; and (3) the written consent of the Capital Development Board is required for the termination of an identified subcontractor. Effective September 10, 2004.

Public Act 93-1036 (SB 3000)

Amends the School Code to change the provisions concerning the State Board of Education and State Superintendent of Education. Terminates the terms of certain members of the State Board of Education on the effective date of the amendatory Act and provides for new members to be appointed by the Governor, with the advice and consent of the Senate (including a chairperson). Provides that the Governor who takes office on the second Monday of January after his or her election shall be the person who nominates members to fill vacancies whose terms begin after that date and before the term of the next Governor begins. Allows the Governor to remove a member for incompetence, neglect of duty, or malfeasance. Provides that upon expiration or buyout of the contract of the State Superintendent in office on the effective date of the amendatory Act, a State Superintendent shall be appointed by a State Board that includes the new members who were appointed to fill seats of members whose terms were terminated on the effective date of the amendatory Act, and thereafter, a State Superintendent must, at a minimum, be appointed at the beginning of each term of a Governor after that Governor has made appointments to the State Board. Provides that a contract issued for the employment of a State Superintendent entered into on or after the effective date of the amendatory Act must expire no later than February 1, 2007, and subsequent contracts must expire no later than February 1 each 4 years thereafter. Prohibits a contract from being extended or renewed beyond February 1, 2007 and February 1st each 4 years thereafter, but provides that the State Superintendent shall serve until his or her successor is appointed. Provides that each contract entered into on or before January 8, 2007, with a State Superintendent must provide that the State Board may terminate the contract for cause, and the State Board shall not thereafter be liable for further payments under the contract. Provides that upon appointment of the new Board members, the Board shall review all of its current rules in an effort to streamline procedures, improve efficiency, and eliminate unnecessary forms and paperwork. Requires the State Board to

create certain divisions within the State Board. Provides that rules of the State Board must be in accordance with the Illinois Administrative Procedure Act. Provides that the State Board may not adopt any rule or policy that alters the intent of the authorizing law or that supersedes federal or State law. Provides that the State Board may not make policies affecting school districts that have the effect of rules without following the procedures of the Illinois Administrative Procedure Act. Requires the State Board to develop and maintain a continuing five-year strategic plan for elementary and secondary education, to be issued to the Governor and General Assembly. Lists topic areas that the plan must include. Requires a school district's calendar for the school term and any changes to be submitted to and approved by the regional superintendent of schools (the State Board of Education in Chicago) before the calendar or any changes may take effect. Gives the regional superintendent of schools the duty to assist and support school districts with the preparation and submission of grant applications and the duty to accept and review all transcripts for new initial certificate applications and ensure that each applicant has met all of the criteria established by the State Board of Education in consultation with the State Teacher Certification Board. Effective September 14, 2004.

Public Act 93-1037 (HB 623)

Amends the Neighborhood Redevelopment Corporation Law. Provides that, upon approval of the governing body of a city, village, or incorporated town, after it complies with notice, hearing, and other requirements, the general real estate taxes on the improvements on real property of a neighborhood redevelopment corporation or its immediate successor in that city, village, or incorporated town shall be abated for a period not in excess of 10 years after the date upon which the corporation becomes owner of that real property. The tax on that property, however, exclusive of improvements, may continue to be imposed and collected but shall be frozen at the amount of taxes owed, or that would have been owed, for the property as unimproved in the year prior to the year it was acquired by the neighborhood redevelopment corporation. For the next ensuing period not

in excess of 15 years, general real estate taxes on the property shall be abated in an amount not to exceed 50 percent of the taxes imposed by each taxing district. The parties may agree, by contract, to payments in lieu of taxes. After a period of not more than 25 years, tax abatements are eliminated. Limits the provisions to property located in St. Clair County. For St. Clair County, changes the Law with respect to what constitutes a "slum and blighted area," who may appoint members of the Commission and the number of Commissioners, and how certificates of convenience and necessity are approved. Amends the Property Tax Code to authorize the abatements. Effective June 1, 2005.

Public Act 93-1038 (SB 334)

Amends the Property Tax Code to provide a property tax exemption for parking areas owned by any religious institution that meets the qualifications for exemption if the parking area is leased or rented to a mass transportation entity for the limited free parking of commuters. Amends the State Mandates Act to require implementation without reimbursement by the State. Effective June 1, 2005.

Public Act 93-1039 (SB 2944)

Amends the Food Handling Regulation Enforcement Act. Provides that neither the Department of Public Health nor the health department of a unit of local government may regulate the serving of food that is brought to a potluck event sponsored by a group of individuals or a religious, charitable, or nonprofit organization by individuals attending the potluck event for consumption at the potluck event. Provides that: a group or organization sponsoring a potluck event may advertise the potluck event to the public through any means; individuals who are not members of a group or organization sponsoring a potluck event may attend the potluck event and consume the food at the event; no fee may be charged for admission to a potluck event nor may food be sold at a potluck event; a business establishment dealing in the sale of food items may not sponsor a potluck event; and potluck event food may not be brought into the kitchen of a business establishment dealing in the sale of food items. Defines the phrase "potluck event." Effective June 1, 2005.

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