



# FIRST READING



ILLINOIS GENERAL ASSEMBLY LEGISLATIVE RESEARCH UNIT

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## MAJOR BILLS PASSED BY THE ILLINOIS GENERAL ASSEMBLY

This issue of *First Reading* summarizes bills as they passed both houses of the General Assembly, and reports the Governor’s actions on them. A total of 614 bills passed both houses in the spring 2018 session. This issue summarizes 216 bills of general interest, classified into 13 categories.

Major bills from the spring 2018 session set a minimum age of 21 to buy tobacco products (including e-cigarettes); seek to curtail opioid abuse; allow police or family members to petition a court for temporary removal of firearms from a person deemed dangerous; direct that some federal funds be used to fight cyberattacks on the state’s election system; require cybersecurity audits of state agencies; strengthen procedures for investigating allegations of sexual harassment in state government; and require reporting on health conditions in state veterans’ homes.

Other bills that passed both houses will make it easier for school districts to hire substitute teachers; raise teacher pay in stages; broaden the effects of Illinois’ Equal Pay and Human Rights Acts as to employment; expand taxation of out-of-state sellers; and declare regulation of “drone” aircraft (except in Chicago) an exclusive state power.

Pages 34-35 of this issue give Public Act numbers for laws resulting from bills summarized here. Information on all bills of the 2018 session is available at the Illinois General Assembly’s website:

[www.ilga.gov](http://www.ilga.gov)

In coming weeks the LRU will publish a supplemental issue to this edition of *First Reading* containing additional abstracts of reports required to be filed with the General Assembly. The printed supplemental issue will be distributed only to legislators and legislative staff. For other interested parties, it will be available for free download from our website.

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IN SEPTEMBER TO:**

**804 STRATTON BUILDING  
SPRINGFIELD, ILLINOIS 62706**

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# APPROPRIATIONS & STATE BUDGET

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The state's operating budget for fiscal year 2019 is \$80.7 billion—\$1.1 billion over the \$79.6 billion in FY 2018. Appropriations from the General Funds rose 0.3%, from \$36.2 billion to \$36.3 billion.

The FY 2019 operating budget was passed in a single appropriations bill (H.B. 109), which included supplemental appropriations for FY 2018. The Governor signed it as passed.

The General Funds budget includes about \$7.4 billion in appropriations for contributions to the state's retirement systems—up about \$250 million from the certified amounts last year. (TRS is up \$505 million; GARS is down about \$3 million; JRS is down about \$6 million; SURS is down about \$44 million; and SERS is down about \$194 million. FY 2019 contributions may be different when required contributions are recertified.)

Agencies getting the largest dollar increases in appropriations (from all funds) are Department of Healthcare and Family Services (DHFS) (\$1.6 billion, +7.1%); the Treasurer (\$848 million, +25.5%); Department of Innovation and Technology (DoIT) (\$300 million, +85.7%); State Board of Education (ISBE) (\$170 million, +1.4%); and State Police (\$77 million, +13.3%).

Much of the DHFS increase, from both the General Revenue Fund (GRF) and other state funds, is for Medicaid—including liability growth, provider reimbursement changes, and more spending authority for payments under the

new hospital assessment. The increase in the Treasurer's appropriation was due to increased General Obligation bond debt service (appropriations for the office's operations were shifted from General Funds to other state funds).

The DoIT increase is mainly to match the shift in technology services to the Department. The appropriation provides expenditure authority from the Technology Management Revolving Fund. The ISBE increase is largely due to an additional \$350 million for evidence-based funding and \$50 million for early childhood education. Those amounts were offset by a reduction of about \$220 million by shifting contributions for Chicago teachers' pension funding out of ISBE's appropriations. The increase in State Police appropriations is largely for distribution of the increased Statewide 911 surcharge; the General Funds increase is for continuation of two FY 2018 cadet classes and a new class in FY 2019.

Agencies getting the largest dollar decreases are Central Management Services (CMS) (-\$1.88 billion, -21.5%); Corrections (-\$509 million, -25.4%); Human Services (DHS) (-\$200 million, -3.0%); Aging (-\$52 million, -4.6%); and Agriculture (-\$27 million, -20.4%).

The CMS decrease is due to a \$2 billion drop in health insurance contributions from the Health Insurance Reserve Fund; group health insurance contributions were also the largest reason for the \$133 million increase in CMS's General Funds appropriations. The Corrections decrease is mostly due to a jump in FY 2018 appropriations for prompt-payment interest and liabilities from earlier years. The DHS decrease is mostly because FY 2018 included some \$115 million for earlier years' liabilities and wage payments. FY 2019 appropriations also do not include \$100 million from the Commitment to Human Services Fund, which was in FY 2018 appropriations; the change in GRF appropriations (compared to pre-supplemental appropriations) was about -\$23 million.

The decrease in Aging appropriations is related to projected needs for the Community Care Program and the expected transition of clients into managed-care programs that are funded through DHFS. The decrease for Agriculture is related to reduced appropriations for Soil and Water Conservation Districts and grants to Thoroughbred and Standardbred breeders. GRF appropriations for the U of I Extension, Soil and Water Conservation Districts, and county fairs were not in the FY 2019 appropriations; and funds for the Illinois State Fair and Du Quoin State

Fair were shifted from the GRF to the Tourism Promotion Fund.

Elementary and secondary education got about \$675 million (+4.2%) more from all funds—primarily due to the General Funds increase for the TRS and the increases for evidence-based funding. Local education’s share of the total budget rose slightly, from 20.3% to 20.9%; its share of General Funds appropriations jumped from 34.4% to 36.1%.

Higher education appropriations from all funds fell about \$19.9 million (-0.5%), largely due to a lower appropriation for SURS (but the amount may be adjusted when contributions are recertified). Non-SURS higher education appropriations from all funds rose \$24.1 million (+1.1%); appropriations to each public university rose about 2.0%. The percentage of total appropriations going to higher education fell slightly, from 4.9% to 4.8%; its share of

General Funds appropriations rose a bit but still rounds to 8.7%.

General Obligation bond authority rose by \$1.8 billion for Pension Obligation Acceleration Bonds (\$1 billion) and capital facilities—including higher education, social services, elementary and secondary education, and state facilities.

Total appropriations are about \$2.4 billion (+3.1%) over the Governor’s budget recommendation; General Funds appropriations are about \$973 million (+2.8%) over his recommendations.

FY 2019 Operating Appropriations

**P.A. 100-586**, enacted by H.B. 109 (G.Harris-Demmer-K.Burke-Davis-Crespo et al.—J.Cullerton-Stears-Manar-Rose-Righter et al.).

FY 2019 Budget Implementation

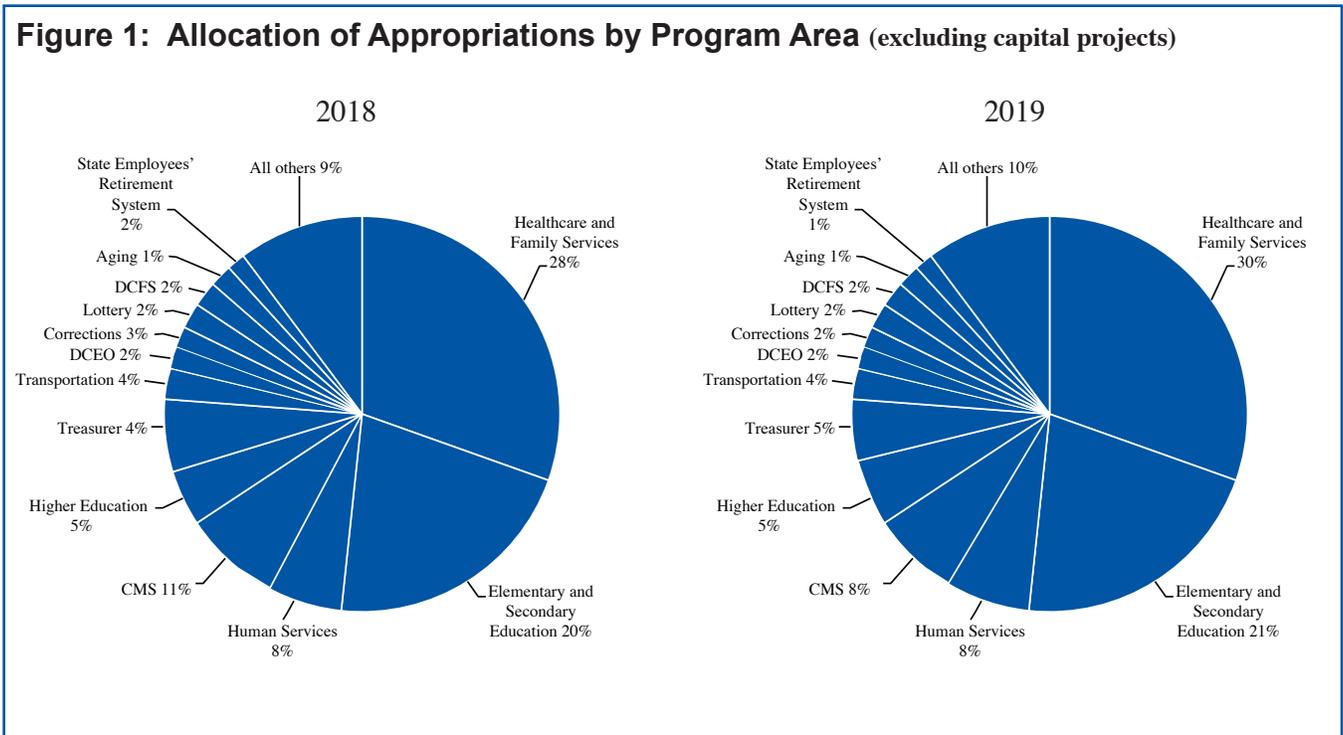
**P.A. 100-587**, enacted by H.B. 3342 (G.Harris-Demmer-Chapa LaVita-Rita et al.—Stears-Sims-Righter-Rose-Manar et al.).

Other Appropriations Bills That Passed Both Houses

**H.B. 4290** (Costello-Scherer-Phelps Finnie-Gordon-Booth-McCombie et al.—Manar-N.Anderson-Sims-McCann-Harmon et al.) (prior-year personal services appropriations)

**H.B. 5750** (Phelps Finnie-C.Mitchell-Hammond-Carroll et al.—Manar-Sims-Rezin et al.) (school district broadband expansion)

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# BUSINESS & ECONOMIC DEVELOPMENT

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The General Assembly voted to require approval of workers' compensation insurance rates by the Department of Insurance before taking effect, and broaden the effects of the Equal Pay and Human Rights Acts. Legislators voted to regulate some activities of companies that publish criminal record information online and out-of-state mental health or substance use treatment facilities advertising in Illinois. Transactions in which owners of vehicles rent them out through "middleman" companies will be subject to automobile renting taxes; and vehicle rental companies must tell renters if a toll transponder is in the car. New bodies will study broadband Internet expansion and college student credit card debt.

**Broadband Advisory Council.** A council with 21 voting members is created in the Department of Commerce and Economic Opportunity. It is to (1) explore ways to expand broadband Internet services, (2) identify barriers to such service, and (3) study methods to eliminate the barriers, among other duties. It will report annually to the General Assembly (H.B. 5752, Phelps Finnie-Welch-Greenwood-Bristow-Ford et al.—Holmes-Murphy-Collins-McCarter et al.).

**Car Rental Transactions.** "Car facilitation transactions" (in which owners of vehicles rent them out through 'middleman' companies) will be regulated by imposing any criminal or financial liability for use of the rented vehicles on the company or driver rather than the owner. Owners may not rent vehicles that have been recalled for safety defects until they are repaired. These facilitation transactions will be subject to state and local automobile renting taxes (S.B. 2641, Muñoz-Sandoval-Holmes et al.—Turner-Wehrli-Arroyo-Unes-Lang et al.).

**Construction Contract "Retainage"** (amounts withheld from contractors or subcontractors until they complete work) may not exceed 10% of the total until a contract is 50% complete, and 5% afterward

(S.B. 3052, Mulroe—Arroyo-Olsen-G.Harris-C.Mitchell-T.Jones et al.).

**Credit Card (Student) Debt Study.** A task force representing lenders, state universities, and the Attorney General will study college student credit card debt, including seeking various data described in this act. The task force is to report to the General Assembly with any recommendations by December 14, 2018 (H.B. 4710, Scherer-Ford-Kifowit-Winger-Andrade et al.—Stadelman-Collins et al.).

**Credit Freezes.** Credit reporting agencies may no longer charge consumers to create, temporarily thaw, or end credit freezes. Electronic communications are added to the types of authorized ways to request a credit freeze (H.B. 4095, G.Harris-Stratton-Breen-Wallace-Guzzardi et al.—Cunningham-Hastings-Biss-Collins et al.).

**Economic Development Near State Lines.** The Department of Commerce and Economic Opportunity (DCEO) is to create an economic plan to aid businesses and municipalities near Illinois' borders. The plan will identify and develop ways to use border

regions' assets to compete economically with neighbor states. All information is to be posted on DCEO's website (S.B. 3285, Sims-Bush-Holmes-Van Pelt-Koehler et al.—Bristow et al.).

**Employee Expense Reimbursement.** Employers are to reimburse employees for expenses or losses due to performing their duties, except losses due to an employee's negligence, normal wear, and theft not due to employer negligence. An employee is to submit supporting documents within 30 days after an expense, unless the employer allows more time. An employer will not be liable if an employee fails to comply with the employer's written reimbursement policy, or incurs unauthorized expenses (S.B. 2999, Van Pelt-Holmes et al.—Conyears-Ervin-Ammons-Wallace).

**Equal Pay Act.** Employers may not pay African Americans less than other employees for substantially similar work unless differences are for reasons other than race, such as seniority, merit, or productivity (H.B. 4743, Ford-Wallace-Welch et al.—Lightford-N.Harris-Raoul et al.).

**Human Rights.** Businesses with at least 1 employee (formerly 15)

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in Illinois for at least 20 weeks per year become subject to the “Employment” article of the Illinois Human Rights Act, but places of worship are excluded (H.B. 4572, Guzzardi-Hernandez-Harper-Flowers et al.—Castro-Harmon-J. Morrison-Holmes-Collins et al.).

**Immigration or Citizenship Status Disclosure.** A landlord may not (1) disclose or threaten to disclose a tenant’s immigration or citizenship status to harass or retaliate against the tenant, or (2) try to evict due to immigration or citizenship status, unless either action is required by law or court order. Violators will be liable for actual damages, \$2,000 per violation, attorney’s fees, and/or other relief (S.B. 3103, Castro-Martinez et al.—Mah-Hernandez-Welch-Stratton-Thapedi et al.).

**Mobile Homes—Abandoned.** Mobile home park owners and operators are added to entities that can remove abandoned mobile homes from their land. They must prove abandonment to a court using factors including that a home has been vacant for at least 180 days and rent is at least 60 days overdue. Any items left in such a mobile home are to be removed and stored for at least 30 days; an attempt may be made to recover storage cost from the mobile home owner (S.B. 3261, Sims et al.—Smith et al.).

**“Mug Shots” Online.** For-profit businesses that publish criminal record information on the Internet are to correct it within 5 business days after the subject of the information notifies them of an error. Failure to do so will entitle

the person affected to damages of \$100 each day the error is uncorrected, plus attorney’s fees. Law enforcement agencies may not publish on social media sites booking photographs for civil, petty, or business offenses, or Class B or C misdemeanors, except to aid in the search for someone who is missing or wanted for a worse crime (S.B. 2560, Stadelman-McCann—Wallace-Ford-Martwick-Ammons-Guzzardi et al.).

**“Patient Brokers.”** Advertisements misrepresenting the need to seek mental health disorder or substance use treatment outside Illinois are banned. Any advertising to state residents for such treatment must (1) say where the facility is located, including any Illinois locations and license; (2) say whether the facility is within insurance plans available to Illinois residents, and whether in-network or out-of-network; (3) link to the Department of Human Services website for information on such services; and (4) disclose that such treatment may be available free or at reduced cost to Illinois residents. Referrals to such facilities in exchange for fees are prohibited (some businesses such as health insurers and licensed hospitals are exempt). Violations of the Health Care Worker Self-Referral Act, and of the prohibition against fee splitting in the Medical Practice Act of 1987, become violations of the Consumer Fraud and Deceptive Business Practices Act (H.B. 4949, Feigenholtz-S.Andersson-Carroll-Connor-Lang et al.—Steans-Althoff-Raoul et al.).

**Physical Fitness Contracts.** The limit on the annual charge under

a physical fitness services contract is eliminated. Such contracts may not cover more than 1 (formerly 2) years, but can be renewed (H.B. 4275, Andrade—Steans).

**Rebates** issued using rebate cards could not involve dormancy or other post-issuance fees, except for card replacement (H.B. 4922, Mah-Wallace-Harper et al.—Castro-Van Pelt-Collins-Holmes-Bush et al.), **vetoed**.

**Timeshare Liens.** The entity managing a timeshare plan has a lien on a timeshare interest for unpaid assessments; costs to collect them; and taxes. The lien can be perfected by filing a notice of lien with the county recorder or Secretary of State as applicable, with a copy to the interest owner. After notices and a waiting period, if payment is still not received, the holder of a mortgage or managing entity lien against a timeshare interest may foreclose using a public auction (H.B. 2723, Cassidy-Ammons—Althoff).

**Tolling Transponders on Rental Cars.** Vehicle rental companies are to notify renters if a vehicle being rented has a transponder or other electronic tolling device. A company that does not may not charge over \$2 per day of use, plus actual tolls collected using the device (S.B. 2522, Stadelman—Wallace).

**Worker Protection Unit and Task Force.** The Attorney General’s Office would (1) set up a unit to investigate and prosecute violations of employee pay and

*(continued on p. 23)*

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## CIVIL LAW

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**Legislators voted to allow police or family members of a firearm owner to petition a court to take away firearms for a time. They also voted to modify some laws on maintenance terms and how maintenance is calculated in divorce cases. Other bills that passed both houses raise the limit on damages in tort claims against the state; allow family members of frail elderly persons to petition for visitation if it is denied; and allow a nursing mother to be excused from jury duty.**

**Claims Against the State.** The limit on damages in tort claims against the state is increased from \$100,000 to \$2 million, retroactive to claims filed after June 2015, and will be indexed to the Consumer Price Index. Claims against the state for unjust imprisonment are added to the list of types for which the Court of Claims can order immediate payment; it can also do so for damage claims under \$50,000 (formerly \$5,000). It need not issue written opinions on claims under \$50,000 (was \$5,000) (S.B. 2481, Hastings-T.Cullerton-Connelly et al.—Riley-Kifowit-Chapa LaVia-T.Jones et al.).

**Dog Owners.** A “reckless dog owner” (the owner of a dog deemed dangerous after killing another dog), who either (1) allows it to run at large twice in 1 year after it is deemed dangerous or (2) is involved in a second incident in 2 years resulting in such a determination, upon a complaint filed by a state’s attorney, animal-control official, or any citizen, may be required to forfeit all dogs owned and may not acquire others for 1 to 3 years. Shelters receiving forfeited dogs must evaluate them for adoptability and attempt

to place them (S.B. 2386, Murphy-Hunter-Holmes-Althoff et al.—Mussman-Olsen et al.).

**Domestic Violence Name Change.** A person seeking a name change need not publish notice of the change if the person is at least 18 and asserts under oath protection under laws protecting victims of domestic violence. Courts are to impound such cases, and can allow victim advocates to help with name change petitions. A court can also omit a petitioner’s address from court documents if the petitioner attests that disclosure would endanger the petitioner, a family member, or a domestic violence shelter (S.B. 2330, Hutchinson-Connelly-Althoff-Raoul-T.Cullerton et al.—Hurley-Manley-K.Stuart-Fine-Greenwood et al.).

**Elderly Family Member Visits.** Family members of a “frail elderly” person (one over 60 whom a court declares functionally impaired) can petition the court for visitation. If a family member providing in-home care has unreasonably refused visitation, the court can order the caregiver to permit visits (unless the frail



elderly person expresses a contrary desire), and to notify family members of events such as hospitalization, transfer of residence, or death. The court will appoint a guardian *ad litem* if appropriate. This process will not apply to persons who have guardians, or to family caregivers acting under powers of attorney (H.B. 4309, Jimenez-Fine-Williams et al.—Bush).

**Firearm Restraining Orders.** Police or family members of a firearm owner can petition a court for an emergency or 6-month firearms restraining order. A petition must allege that the respondent with a firearm poses an immediate danger (for an emergency order), or a danger in the near future (for a 6-month order) to self or others. A judge can issue an order after a hearing involving both parties, or in an emergency after a hearing without prior notice to the respondent. An emergency order can be issued based on probable cause. Getting a 6-month order requires a showing of danger by clear and convincing evidence and considering the respondent’s history of crime, firearm use, threats, drug abuse, violence, and violations of

court orders. A judge issuing an order will also issue a warrant for police to search for and seize any firearms of the respondent. The respondent may not obtain new firearms, and must temporarily relinquish any Firearm Owner's Identification (FOID) card and Concealed Carry License—which the State Police will suspend or revoke. Orders must be entered in the Law Enforcement Agencies Data System; similar orders from outside Illinois can be enforced. A court issuing an emergency order must hold a hearing within 14 days on whether a 6-month order is needed. A new petition for a 6-month order must be heard within 30 days after filing. An owner can seek a hearing to terminate an order; the petitioner can request renewal 3 months before it expires (H.B. 2354, Willis-Breen-Fine-S.Reick-Gabel et al.—J.Morrison-Bush-Collins-Raoul-Sims et al.).

**Foreclosure Cases.** Petitions to reopen foreclosure cases must include among the parties all original parties, current title holders, current occupants, and anyone with recorded property interests. Buyers of foreclosed property who own it more than 6 months can maintain possession until petitions to reopen the foreclosure are resolved. A buyer of foreclosed property who keeps possession and pays all property taxes for 2 years will be the legal owner. Actions to recover such property must begin within 2 years after a purchaser takes possession. Distressed property consultants cannot agree with

foreclosure defendants to divide foreclosure proceeds (S.B. 2432, Mulroe-Barickman-Connelly et al.—Martwick).

**Guardianships (Adult).** Before a court appoints someone as guardian for an adult with disabilities, the applicant must disclose how many such adults he or she is guardian for. If there are over 5, the court must notify the Guardianship and Advocacy Commission; it must keep a list of such notices for governments and the public (H.B. 4867, Olsen—Syverson et al.).

**Jury Duty—Nursing Mother.** A nursing mother must be excused from jury duty on her request (H.B. 5745, Mussman-Ammons-Conyears-Ervin-Olsen et al.—Sims-Castro et al.).

**Maintenance and Child Support.** Courts can order maintenance in proceedings to dissolve a civil union or separate the parties; to modify maintenance; and to grant temporary relief (added to proceedings already listed). Regardless of marriage length, a court can award maintenance for a fixed term, but only after finding that an award is appropriate. Indefinite maintenance will continue until modified or terminated; a reviewable award must set a specific time for review. Courts ordering maintenance must state whether its term is fixed, indefinite, reviewable, or reserved for court discretion.

The guideline for calculating maintenance will change for orders entered in 2019 or later (under federal law, maintenance payments will no longer be deductible by the payer or taxed to the payee). The new formula calls for maintenance to be one-third of the payer's net income minus one-fourth of the payee's net income, subject to a limit of 40% of their combined net income. If that formula would make maintenance plus child support exceed 50% of the payer's net income, the court may follow other criteria in the Act. Child support calculations will be affected by other adjustments due to the new federal rule (S.B. 2289, Hastings-Murphy-Connelly—K.Burke).

**Mechanics' Liens (Old).** After a public hearing, a county recorder can create a process to clear old mechanics' liens on residential property by demanding that their holders either enforce or release them. A lien will be eligible if not enforced for 2 years after the contract completion date, unless a bankruptcy case bars enforcement. Old liens will be referred to a county code hearing unit for adjudication by an administrative law judge. Those deemed expired will be declared invalid. Owners and lienholders can remove such cases to circuit court before final administrative decisions. All these provisions are to expire at the end of 2021 (H.B. 5201, Ford-Welch-Hurley-Evans—Castro).

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# CRIMINAL LAW

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**Legislators voted to prohibit sales of tobacco products to persons under 21. They voted to extend the statute of limitations for sex crimes in some circumstances, and to excuse from prosecution for alcohol or small drug violations persons who report a sexual assault by another person. The Department of Corrections is to issue reports on prison violence and related issues; and each state prisoner will be entitled to seven visits per month. The General Assembly also voted for new civil fee schedules, and a new act on criminal and traffic assessments to be effective from July 2019 through December 2020.**

**Bail—Pregnant Arrestee.** A pregnant arrestee, expected to deliver before trial, must be released on bail unless the court finds her a present threat to the victim or others. Electronic monitoring and/or other conditions may be required of a released pregnant or postpartum arrestee (H.B. 1464, Cassidy-B.Wheeler-Currie-Flowers-Wallace et al.—Hutchinson et al.).

**Domestic Violence Orders of Protection.** Provisions for orders of protection are expanded by authorizing “domestic violence orders of protection” under stated procedures. Provisions for *ex parte* protective or no-contact orders are expanded. If a properly notified respondent fails to appear for a hearing, the court can issue a final order of protection by default. The respondent can rebut *prima facie* evidence of a crime, used to seek an order of protection, by presenting evidence of a meritorious defense. Courts hearing petitions for such orders are to decide related legal issues, with some limitations. A putative father’s rights and responsibilities for a minor can be determined in any of several kinds of judicial or administrative proceedings (S.B. 558, Sims-Connelly—Connor-Carroll et al.).

**Fines, Fees, and Assessments.** A Criminal and Traffic Assessment Act, to be effective from July 2019 through December 2020, will govern charges imposed on convicted defendants, replacing many existing statutory provisions on such charges. There will be a minimum fine of \$25 for a minor traffic offense or \$75 for any other offense, and an “assessment” (based on offense type) from among 13 classes of assessments in the Act. The judge can reduce or waive those and most other charges after finding that they would unduly burden a convicted defendant. Assessment proceeds will be divided among the county treasurer, State Treasurer, and any local government unit involved, to support a number of funds named in this law. “Conditional assessments” in substantial amounts will also apply to specific types of serious crimes.

New fee schedules, replacing many existing statutory provisions on civil fees, will impose substantial fees for filing or taking other actions in civil suits, with proceeds to be allocated among various county or court funds. These civil fee provisions are **not** to expire after 2020 (H.B. 4594, S.Andersson-Gordon-Booth-Currie-Durkin-Guzzardi

et al.—Mulroe-Curran-Collins-McConnaughay et al.).

If H.B. 4594 summarized above becomes law, it is amended by exempting units of government in Cook County from paying court fees under that law in advance and adding late-payment fees for garnishment and similar collections, among other court fee provisions (S.B. 544, Mulroe—S.Andersson).

**Firearms.** An assault weapon, as broadly defined, could not be sold until 72 hours after applying to buy. Sales at firearms shows to nonresidents of Illinois are included (H.B. 1468, Carroll-Stratton et al.—J.Morrison-Collins-Silverstein-Hunter-Raoul et al.); **amendatorily vetoed; bill dead.**

**Murderer (etc.) Registration.** A person required to register as a murderer or violent offender against youth can ask the state’s attorney to review the information supporting the requirement. The state’s attorney is to review it and correct any errors before reporting it to the Department of State Police. A refusal to make such a review can be appealed in court. Information on registrants is to be reported to the Department and summarized in an annual report (S.B. 3489, Collins-Sims et al.—Guzzardi-Stratton et al.).

**Prison Violence Reports.** The Department of Corrections is to report quarterly on rates of violence (by numbers and types of perpetrators and victims), sexual assault, staff use of force or control agents such as pepper spray, suicides, placement in protective custody, placement in restricted housing (including average durations of such placement), and discovery of dangerous contraband in prisons. It is also to report quarterly on rates of prisoners in restricted housing released directly from prison; releasees who are homeless; prisoners or releasees who have completed various kinds of rehabilitation programs; and rates of revocation of release, with reasons for revocation. The Department’s Director and administrators are to study the data, identify trends, and plan ways to reduce prison violence (H.B. 4888, T.Bennett-Evans-Mayfield-Cassidy-Bryant et al.—Castro-McConnaughay et al.).

**Prisoner Medical Services.** State correctional agencies may not charge prisoners anything for medical or dental services (H.B. 5104, Ammons-Lilly-Gordon-Booth-Evans et al.—Sims et al.).

**Prisoner Visits.** Each state prisoner is entitled to seven in-person or video visits per month, and can give the Department of Corrections a list of 30 or more persons to whose visits the prisoner consents (H.B. 4741, Slaughter-Cabello-Bryant-Turner-Harper—Sims).

**Public Aid Fraud Statute of Limitation.** Managed care fraud, public aid vendor fraud, and offering or accepting a kickback by

a vendor, in each case if at least \$5,000 is involved, can be prosecuted for 5 years after the last act in furtherance of the crime (S.B. 2891, Connelly-Link-Murphy-McConnaughay-Haine et al.—Bellock-Cabello-B.Wheeler-Turner et al.).

**Refugee Aid.** State agencies must help immigrants establish that they were victims of any of a list of kinds of criminal activities (such as human trafficking) that may qualify them for federal “T” or “U” visas (S.B. 34, J.Cullerton-J.Morrison-Bush-Martinez-Castro et al.—Hernandez-Wallace-B.Wheeler-Stratton-Thapedi et al.).

**Sex Crime Statute of Limitations.** For an offense against a victim 18 or older, involving “sexual conduct” or “sexual penetration” as defined, prosecution can begin within 1 year after the victim discovers the offense and corroborating physical evidence is available, as an alternative to the fixed limitation period. The charging document must state facts justifying an extension (S.B. 2271, Tracy-Bush-Connelly-Martinez et al.—Frese-Bellock-Wehrli et al.).

**Sexual Assault Reporting.** A person is not normally to be charged for an alcohol violation or possessing a small amount of an illegal drug, of which a college or law-enforcement officer becomes aware because the person who committed that violation reported a sexual assault committed by another person. A sexual assault victim has 10 years (formerly 5) to consent to testing of evidence of the crime (S.B. 3404,

Raoul-Connelly-Sims-Collins-Martinez et al.—C.Mitchell-Carroll-Ammons-Hurley et al.).

**Synthetic Illegal Drugs.** Synthetic cannabinoids and related substances, broadly defined, are added as Schedule I controlled substances (S.B. 2341, Collins-Van Pelt-Hunter et al.—Thapedi-Bourne-Ford-Cabello-Cassidy et al.).

**Tobacco Ban Until 21.** It will be illegal for a person under 21 to buy a tobacco product, e-cigarette, or other nicotine-delivery product (as defined), or for anyone to sell or otherwise provide such a product to a person under 21. Free distribution of tobacco product samples will be limited to adults-only facilities, and the open sale of electronic cigarettes restricted (S.B. 2332, J.Morrison-Link-Hunter-Raoul-Mulroe et al.—Lilly-Conyears-Ervin-Feigenholtz-McDermed et al.).

**Trafficking Victims.** A person who is convicted of an offense due to being a victim of human trafficking can ask the court, after completing the sentence, to seal the criminal record. To overcome an objection (presumably by prosecutors) to sealing, the person must show by a preponderance of evidence that participation in the offense resulted directly from human trafficking (H.B. 5494, Williams-B.Wheeler-Cassidy-Hurley et al.—Hutchinson-Collins-McConnaughay-Martinez et al.).

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# EDUCATION

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## ELEMENTARY & SECONDARY

Legislators voted to allow school districts to use recruiting firms to find substitute teachers, and authorized a new short-term substitute teaching license. They also limited how students can be expelled for truancy or failing grades, and prohibited schools from referring students for truancy fines by other local bodies. Other bills that passed both houses will raise teacher pay; allow trained school personnel to administer asthma drugs to students; and allow caregivers to administer medical cannabis to students at school if both are authorized to have it.

### Alternative Discipline Grants.

Subject to appropriation, the State Board of Education may award “Safe Schools and Healthy Learning Environments” grants to school districts to implement alternatives to suspensions and expulsions. Priority will go to districts with high suspension or expulsion rates. Grants may not be used to hire school-based security personnel, but can be used to hire school support personnel or train existing staff (H.B. 4208, Welch-Stratton-Chapa LaVia-Ford-Davis et al.—Lightford-Martinez-Collins-Hunter-Bush et al.).

**Asthma Medication.** Schools may maintain asthma medication prescribed in the name of a school or district rather than a student. Schools may provide such medication to a student believed to be in respiratory arrest, for self-administration or administration by authorized personnel. Before providing asthma medication to a student, school personnel are to complete training on responding to signs of respiratory distress and administering the medication. If a school asthma medication is administered, the school must inform the

student’s guardian, the physician who prescribed it, and the State Board of Education (S.B. 3015, Koehler-Bush-Collins-Hunter et al.—Welch-Flowers-Manley et al.).

### Chronic Absenteeism in Pre-school.

Starting in July 2019, publicly funded early childhood education programs that get block grant funds must collect data on chronic absences and determine how to reduce absenteeism. Starting in July 2020, programs are to report data on chronic absences to the State Board of Education to be posted online (H.B. 5771, Chapa LaVia-Ammons et al.—Collins et al.).

**Class Size.** Schools must report annually to the State Board on class sizes, number of teachers, and student/teacher ratios. Legislatively stated goals for maximum class sizes by 2020-21 are 18 in kindergarten; 22 in grades 1-5; 25 in grades 6-12; and a total of 150 students per teacher (H.B. 5481, Guzzardi-Flowers-Lilly-Carroll-Williams et al.—Aquino-Collins-Martinez-Lightford-Harmon et al.).



### College and Career Interest

**Task Force.** A task force will study methods for sending data on Illinois public high school students’ college or career interests to public colleges and universities. It is to report findings to the General Assembly by January 30, 2019 (H.B. 4781, D.Brady-K.Burke-Welch-Hammond-Pritchard et al.—McGuire-T.Cullerton-Rose-Rezin et al.).

**Dental Exams.** Students in 9th grade (added to kindergarten, 2nd, and 6th grades) must show proof of dental exams to their school (H.B. 4908, Moeller et al.—Steans-Castro et al.).

**Dual-Credit Courses.** Community colleges are to partner with requesting school districts to offer dual-credit coursework to high school students. They can use a model agreement to be developed by a committee by June 30, 2019, or develop their own. School districts may not make new dual-credit course agreements with out-of-state institutions without first trying to partner with local community colleges; current agreements with out-of-state institutions are not

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affected (S.B. 2838, Bertino-Tarrant-Aquino-Connelly-Weaver-McConnaughay et al.—Manley-K.Stuart-Greenwood-Hurley-Welch et al.).

**Emotional Intelligence; Social and Emotional Learning.** A task force will develop an age-appropriate curriculum, assessment guidelines, and best practices on those topics for elementary and high schools by January 1, 2019 (H.B. 4657, Manley et al.—Sims).

**Lunch “Shaming.”** Schools must give a federally reimbursable meal or snack to each student requesting one even if the child cannot pay or owes money for other meals or snacks. Schools may contact parents to request reimbursement for unpaid meals; if a debt reaches \$500 and the school has tried to collect for a year, the school may seek a tax offset from the Comptroller. Schools may not publicly identify or stigmatize a child for being unable to pay for a meal or for owing money (S.B. 2428, Stadelman-Holmes-Castro-Van Pelt et al.—Wallace-Ammons-Stratton-Smith-Harper et al.).

**Mandate Waivers.** School district waiver requests for mandates on maximum tax rates, interfund transfers, and authorized payments from tax funds must go to the entire General Assembly for consideration rather than the four top legislative leaders (H.B. 1262, Currie—Bertino-Tarrant).

**Math & Science Academy.** The Illinois Mathematics and Science Academy may accept non-Illinois resident students, but must charge them enough to ensure that no state appropriations support their attendance. No more than 25% of total enrollment may be from out of state. Students must complete the equivalent of 8th grade (formerly 9th grade) to enroll (S.B. 2939, Holmes-McConnaughay—Chapa LaVia-Hammond-Pritchard-Swanson-Kifowit).

**Medical Cannabis in Schools.** A designated caregiver registered with the Illinois Department of Public Health may administer a product containing cannabis to a student on school property or a school bus if the student and caregiver have Compassionate Use of Medical Cannabis Pilot Program registry cards. The product must be removed after administration, and may not be administered if the school finds that it would create disruption or expose other students to the product. Students may not be disciplined or denied attendance solely for receiving a medical cannabis product this way. Schools may not authorize use of a medical cannabis product if that would stop federal funding (H.B. 4870, Lang-Cassidy-Ammons et al.—Castro-Murphy-Holmes-Martinez-Van Pelt et al.).

**Mental Health Training.** School personnel in kindergarten through 12th (currently 7th to 12th) grades are to be trained on identifying and responding to warning signs of mental illness and

suicidal behavior in youth at least every 2 years (current law does not specify the frequency) (H.B. 4658, Manley-Lilly-Hurley et al.—Koehler-Lightford et al.).

**Parenting Education.** The State Board of Education is to begin a 3-year parenting education pilot program at some high schools in 2019-2020. The program is encouraged to include teaching on family structure; child abuse prevention; family relationships; and parenting competency. The Board will issue applications and criteria for selecting districts, and may offer grants (H.B. 4442, Gabel-Willis-Stratton-Smith-Fine et al.—Lightford-J.Morrison-McConnaughay-Harmon et al.).

**Physical Education.** K-12 students are to get at least 150 minutes per week of physical education (formerly at least 3 days per week), unless excused due to other activities or medical reasons (S.B. 2572, Holmes-Collins-Castro et al.—Harper-Mah-Wallace-Conyears-Ervin-Bellock et al.).

**Preschool Teacher Qualifications.** In school years 2018-19 through 2022-23, a person seeking a Professional Educator License who has another authorized state credential may teach in an early childhood education program receiving state grant money (S.B. 1829, Hutchinson-Lightford-McConnaughay-Weaver et al.—Gordon-Booth-Ford et al.).

**Resource Officer Training.** Starting in 2021, school resource officers must complete training

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## EDUCATION *(continued from p. 11)*

developed by the Illinois Law Enforcement Training Standards Board, or get waivers from the Board showing qualifications to be resource officers. Law-enforcement agencies that provide school resource officers are encouraged to apply for federal grants to help with training costs (S.B. 2925, Lightford-Martinez-Hunter-Koehler-Harmon et al.—Harper-Pritchard-Mayfield-Wallace-Gordon-Booth et al.).

**Shooter Drills.** In the first 90 days of each school year, each school must hold at least one drill simulating an active shooter or other threat in a school building. Drills are to be during school hours and involve all students and personnel present, unless school personnel exempt a student. Law enforcement personnel are to observe the drills (S.B. 2350, J.Morrison-Collins-Raoul-Cunningham-Holmes et al.—Carroll).

**State Board of Education Members.** Three members of the State Board are to represent educators; but no more than one of the three may be employed as a superintendent, principal, school business official, or teacher, and no more than one may be employed in the same district or school. These changes apply to new appointments (H.B. 4284, Chapa LaVia-Carroll—Bertino-Tarrant-Manar).

**Substitute Teaching.** *Licenses, etc.* Through June 2023, a Short-Term Substitute Teaching License is authorized for a person with an associate’s degree or 60 credit

hours from an accredited college who has taken training for such teaching. Such a person may not replace a licensed teacher under contract for more than 5 consecutive days. The license will cost \$25, refundable after teaching 10 full days in the first year.

Through June 2020, retired teachers may substitute-teach for pay up to 120 days or 600 hours per school year (but not more than 100 days in one classroom) without effect on their TRS pensions. A prohibition on substitute teaching licenses for teachers who have not met license renewal requirements is ended.

More options are created for people trained in other states or nations to be licensed as educators (H.B. 5627, T.Bennett-Mayfield-Cavaletto-Bourne-S.Reick et al.—Manar-Bertino-Tarrant-Lightford-Weaver et al.).

*Recruiting firms.* By 2019, the State Board of Education is to start a program allowing school districts to use recruiting firms to find substitute teachers. A district must show that it cannot find enough retired or substitute teachers in other ways. The Chicago district must also have enough funds to pay substitute teachers; prioritize current substitutes over recruited ones; file copies of substitute teacher contracts with the State Board; and require any recruiting firm to file annual reports. Use of recruited substitutes is subject to state requirements for regular substitutes. Substitutes from recruiting firms will not earn pension credit

(H.B. 4742, Mayfield-Pritchard-Ford et al.—Link-Weaver).

**Teacher Pay.** Minimum full-time teacher salaries are to be \$32,076 in 2019-20, \$34,576 in 2020-21, \$37,076 in 2021-22, and \$40,000 in 2022-23. Subject to legislative review, rates in later years are to be increased by the percentage increase (if any) in the preceding school year in the Consumer Price Index for All Urban Consumers (S.B. 2892, Manar-Lightford-Bertino-Tarrant-Martinez et al.—C.Mitchell-Carroll-K.Stuart-Greenwood-Slaughter et al.).

**Transportation in High-Crime Areas.** School boards except in Chicago may offer free transportation to students living within 1½ miles of school if police deem crime in the area a “serious safety hazard” and adequate public transportation is not available (serious *traffic* hazards already justify this) (H.B. 5195, Greenwood-Hoffman-Wallace-Willis-Mayfield et al.—Clayborne-Collins-Hunter).

**Truancy.** *Expulsion restrictions.* Schools no longer may bar a student who is 17 or older for a semester due to failing grades. Expulsion for absenteeism is allowed only if a student misses 15 consecutive days without valid reason and the school cannot locate the student or cannot compel the student to attend (H.B. 3784, Sosnowski et al.—Weaver).

*Fines.* School districts may not refer truant students to other local bodies to be fined for truancy. They may refer a student's guardian, after offering support services to the student and attempting to meet with the guardian.

Reasonable concerns for a student's mental, emotional, or physical health or safety are added as valid causes for a school absence (formerly only health or safety) (S.B. 3466, Lightford-Van Pelt-Sims-Martinez-Collins et al.—Davis-Wallace et al.).

## HIGHER EDUCATION

**The General Assembly voted to give MAP grant priority to students who got grants the preceding year. It also voted to authorize “reverse transfers” of credit for an associate’s degree from a university to a community college. Other bills that passed both houses require public colleges to offer a Black History course; add graduate student assistants to the definition of employees who may form and join unions; and prohibit professional license revocation for failure to repay an Illinois agency-guaranteed loan or scholarship.**

### **AIM HIGH Pilot Program.**

Subject to appropriation, starting in the 2019-20 academic year, public universities may offer merit scholarships from funds

allocated by the Illinois Student Assistance Commission based on the number of Illinois-resident undergraduates at each university. Universities are to match grant funds with financial aid for eligible students, who are to be low-income Illinois residents (among other criteria).

To remain eligible for grants, a university may not reduce its total undergraduate non-loan financial aid below its FY 2018 level. Universities are to report on grant programs annually to the Commission, which will report on them by October 2020 and annually thereafter. The pilot program ends in October 2024 (S.B. 2927, McGuire-T.Cullerton-Murphy-Rezin-Sims et al.—K.Burke-Welch-Hammond-Pritchard-K.Stuart et al.).

**Black History Courses.** Each Illinois public university and community college must offer a course in Black History. It may be offered online, as may such a course required in public elementary and high schools (H.B. 4346, T.Jones-Flowers-Ford-Wallace-Slaughter et al.—N.Harris-Sims-Collins et al.).

### **Credit Transfers; Degree Program Counseling; Tuition**

**Waivers.** Starting in 2019-20, students with at least 15 credit hours at a community college, and enough hours at a public university for an associate’s degree, may request a “reverse transfer” of credit from the university to the community college for an associate’s degree. The

Illinois Board of Higher Education (IBHE) and Illinois Community College Board (ICCB) are to work with the Midwestern Higher Education Compact’s Multi-State Collaborative on Military Credit to develop a policy for awarding academic credit at community colleges for eligible military training. Starting in 2019-20, public universities and community colleges are to offer students with at least 30 hours of academic credit a meeting with an academic advisor on the prerequisites for a degree in the student’s area of study. IBHE may not limit the tuition revenue that a public university may waive (S.B. 2354, McGuire-Rose-T.Cullerton-Rezin-Lightford et al.—K.Stuart-Welch-Pritchard-Hammond-K.Burke et al.).

**Future Teachers Program.** The State Board of Education (ISBE) is to create a program to help qualified participants become teachers. A school district with an eligible employee working under supervision may partner with a college where the employee can take courses for this purpose. To be eligible, a person must (1) be bilingual or have been identified as a low-income student while in school, and (2) live in the school district’s community. Districts may use appropriate public funds to pay the employee. Schools are to submit data on participation annually to ISBE, which will report to the General Assembly before the 2023-24 year (S.B. 2844, Aquino-Castro-Link-Connelly-Weaver et al.—Pritchard-Mayfield-Crespo-Davis-Chapa LaVia et al.).

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## ENVIRONMENT & CONSERVATION

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The General Assembly voted to allow growing of industrial hemp with a state license, and to ban the import or sale of ivory and related materials. Some solar energy facilities are to have agricultural mitigation agreements, and may call themselves “pollinator-friendly” if they follow approved vegetation practices. Other bills that passed both houses will require use of soil with compost in some state projects; promote recreational trails; and require research and reporting on wastewater contaminants.

**Compost in Soil.** Any state agency (as defined) doing landscaping that requires new or off-site soil, if within 10 miles of a compost facility permitted by the Illinois EPA, must seek a bid using soil with compost added, and use such soil if it will cost no more than other soil. The Illinois Department of Transportation must study the costs and benefits of using compost-added soil in two pilot projects (H.B. 4790, Sente-Evans-D’Amico-Harper et al.—Koehler).

**Hemp Growing.** The Illinois Department of Agriculture can issue licenses to cultivate industrial hemp on specific plots of land. Its rules must call for annual inspection, and allow unannounced inspections, of each licensed producer. It must test hemp for levels of THC (the main active substance in marijuana) and dispose of plants with THC exceeding a lawful level (S.B. 2298, Hutchinson-Koehler-Aquino-Martinez-McCann et al.—Butler-Cassidy-Harper-Hernandez-Skillicorn et al.).

**Hunting and Trapping.** The age below which hunters and trappers need not buy state migratory

waterfowl or state habitat stamps is raised from 16 to 18. A combined Youth Hunting and Trapping License is authorized for persons under 18; a licensee must (1) be supervised while hunting or trapping by a person who is at least 21 and has an Illinois license, or (b) have passed a safety course approved by the Department of Natural Resources. An apprentice hunter of any age must be supervised by a licensed hunter who is at least 21 (H.B. 4783, Bourne-Severin—Weaver).

**Ivory Ban.** Importing, selling, buying, or holding for sale ivory or ivory products (including teeth or tusks of whales and some other animals) and rhinoceros horn will be banned on January 1, 2019. Exceptions will apply to some guns and knives that are at least 100 years old and some musical instruments made before 1976, if the owner or seller has documentation of their age (and for musical instruments, their sources). Import under a federal license or permit is also exempted (H.B. 4843, Moylan-Fine-Chapa LaVia et al.—Holmes et al.).



**Recreational Trails.** The Department of Natural Resources may create recreational trail projects using state, federal, and other public or private funds. A State Greenways and Trails Advisory Council will help set recreational trail priorities and promote public awareness of greenways and trails. Requirements of public access stickers for vehicles using state-subsidized trails are clarified as distinct from the Off-Highway Vehicle Usage Stamp requirement (S.B. 2713, Weaver—T.Bennett-Costello-Phelps Finnie-Meier-Severin et al.).

**Solar Energy.** *Commercial energy farms.* Large-capacity solar energy facilities on leased agricultural land must have agricultural impact mitigation agreements similar to those for wind farms. Before building such a facility, the owner must submit to the county a plan for its possible later deconstruction (S.B. 2591, S.Bennett et al.—Meier-Swan-son-Chapa LaVia-Parkhurst-Costello et al.).

*Pollinator havens.* Owners of ground-based solar generating sites may claim that they are

“pollinator-friendly” if they follow practices to provide vegetation and foraging habitat for game birds, songbirds, and pollinators that follow guidance from the Department of Natural Resources in consultation with the University of Illinois, Department of Entomology (S.B. 3214, Barickman-Bush et al.—T.Bennett-Swanson-Phelps Finnie-Costello-Meier et al.).

**Wastewater Contaminants.** The U of I Prairie Research Institute must review scientific studies, and federal and state laws and regulations, to identify any chemical in wastewater treatment effluent that is deemed a “contaminant of emerging concern,” and report on those chemicals to the General Assembly by June 2020 with recommended actions (H.B. 5741, Gabel-Cassidy-Sente-S. Andersson-Fine et al.—J.Morrison et al.).

**Wildlife Protection.** Most minimum values of protected species (which determine the class of crime committed by killing, possessing, or selling them) are doubled. For antlered white-tail deer, violations will bring a fine of \$1,000 plus \$500 or \$750 per antler point, depending on the number of such points (H.B. 5317, Costello—N.Harris).

*Robert L. Bayless  
Senior Staff Scientist*

## EDUCATION

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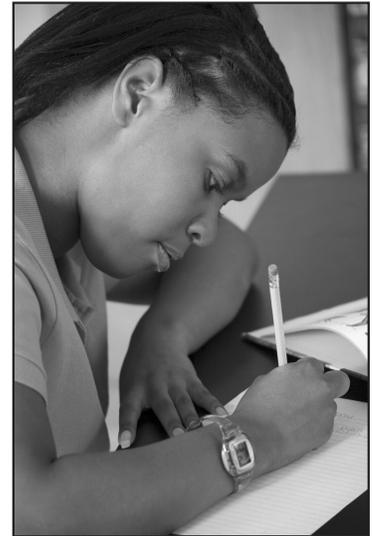
### **Grad Students as Employees.**

Graduate student assistants are added to the “educational employees” who may form and join unions (S.B. 2546, Biss-Raoul—Guzzardi-C.Mitchell-Wallace-Ammons et al.).

**License Revocation.** A state agency or board may not deny, suspend, or revoke a professional or occupational license for nonrepayment of a loan or scholarship provided or guaranteed by an Illinois agency or commission (S.B. 2439, S.Bennett-Connelly-T.Cullerton-Bush-Collins et al.—Ammons-McCombie-Guzzardi et al.).

**Loan Information.** Under a 3-year pilot program, the Illinois Student Assistance Commission is to require public higher education institutions to give enrolled students information on their education loans annually, including estimates of their total current loans, payoff amounts, monthly repayment amounts, percentage of each student’s borrowing limit, and any (other) financial resources available to the student (S.B. 2559, Stadelman—Wallace-Ammons-Harper-Stratton-Flowers).

**MAP Grant Priority.** Starting in 2020-21, students who got MAP grants the preceding year are to get renewal grants if they still meet eligibility requirements and re-apply by a date set by the Illinois Student Assistance Commission, and money is available. Applying later will not disqualify



a student if funds remain (H.B. 5020, Welch-K.Stuart-K.Burke-D.Brady-Pritchard et al.—S.Bennett-Rose-N.Anderson-Rezin-McGuire et al.).

### **Underrepresented Student Programs.**

Subject to appropriation, any public university may establish a “Bridge” program for in-state students from a major minority group who are (1) from an Illinois county from which the university enrolled no more than two students on average in the last 3 years or (2) from a family with a household income at or below the federal poverty line that has no expected contribution to college costs. The program can include tutoring, counseling, and financial assistance. Universities are to report on such programs annually on their websites (H.B. 5696, Welch-Ammons-Smith-K.Stuart-Halpin et al.—Lightford-Collins-Hunter-Martinez-Sims et al.).

*Jennifer Hebel  
Research Librarian*

## HEALTH & SAFETY

Legislators voted to impose new hospital assessments, and require hospitals to have plans for sexual assault survivor treatment. A pilot program will make cannabis available to people with medical conditions that could be treated with opioids; a new task force will study prescription opioid abuse; and prescribers of controlled substances must get training on safe opioid prescribing. Other bills will expand dental services to Medicaid-eligible adults; provide HPV vaccinations for males under 18 meeting stated requirements; and require veterans' homes and the Department of Veterans' Affairs to report on infectious disease outbreaks and on residents' general health.

**Animal Control.** The Public Health and Safety Animal Population Control Program is transferred from the Illinois Department of Public Health (IDPH) to the Service Head for Shelter Medicine at the University of Illinois College of Veterinary Medicine. Any U of I vet, or supervised vet student, may participate in the program by performing pet sterilizations. Public safety fines under the Animal Control Act will go entirely to the county where they are paid, instead of partly going to the Pet Population Control Fund (S.B. 2313, Holmes-Koehler-Manar—K.Stuart-Olsen et al.).

**Breast Cancer Screening.** Mammography providers must notify recipients with dense breast tissue that the condition can make detection of cancer harder and may be statistically associated with a higher risk of breast cancer, but that they should keep getting mammograms (H.B. 4392, McAuliffe-Bellock-D'Amico-Cabello-Hurley et al.—Mulroe-Van Pelt-Bush-Hunter-Martinez et al.).

### Cannabis in Lieu of Opioids.

Under a pilot program, cannabis is to be available to persons with medical conditions for which opioids were or could be prescribed, in amounts limited to 2.5 ounces per 14 days for up to 90 days at a time. Physician certification of a patient's medical condition and eligibility for the program must be provided on a form from IDPH. IDPH will have a Web-based tracking system showing date of sale, amount, and price of medical cannabis bought by participants. A participant in this program may not be registered under the Compassionate Use of Medical Cannabis Pilot Program.

A person who applies under the Compassionate Use of Medical Cannabis Pilot Program and submits a physician's certification of a debilitating condition may get medical cannabis provisionally until the application is approved or denied. Persons with drug felonies are no longer ineligible for that program. No one may charge a fee for helping prepare applications under either program (S.B. 336, Harmon-Althoff-Holmes-Bush-Stears et al.—Cassidy-Butler-Williams-Harper-Smith et al.).

[http://www.ilga.gov/commission/lru/lru\\_home.html](http://www.ilga.gov/commission/lru/lru_home.html)



**Coal Mine Safety.** The three mine officers of the employee class of the State Mining Board, and two members of the Miners' Examining Board, must be from a miners' union recognized under the National Labor Relations Act in addition to meeting existing qualifications. Mine operators must put caches of self-contained self-rescuer devices along a mine's primary and secondary escape ways at 30-minute walking distances (H.B. 5689, Costello-Phelps Finnie et al.—Manar-Hunter et al.).

**Cottage Food Sales.** Some homemade foods and drinks (including some acidified foods and condiments) are added to those that cottage food operations may sell without further licensure and certification; a few foods are removed from that permitted category. A local health department may require a cottage food provider to submit a canned food containing tomatoes, or a recipe for any baked good containing cheese, to a commercial lab for testing and/or safety verification (S.B. 457, Koehler et al.—Guzzardi-Skillicorn-Carroll).

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**Dental Services Under Medicaid.**

Dental services are to be reimbursed to Medicaid-eligible adults (added to minors) as of July 1, 2018 (H.B. 3342, G.Harris-Demmer-Chapa LaVia-Rita et al.—Steans-Sims-Righter-Rose-Manar et al.).

**Diabetes and Telehealth Services.**

The Department of Healthcare and Family Services (DHFS), and health insurers that cover telehealth services, must cover nutritionists and diabetes educators counseling “senior” diabetics in their homes (H.B. 5351, Spain-Bellock-Lilly et al.—Aquino-Van Pelt-Hastings-Collins et al.).

**Drug Disposal.** *Liquids.* Liquid medications are added to those whose disposal in medical facilities and at death scenes is restricted; but they may be put into public drug-disposal receptacles. Intraperitoneal solutions may be put into public wastewater collection or septic systems (H.B. 1338, Carroll-Manley-Hurley-Moylan-McAuliffe et al.—J.Morrison-Bush et al.).

*Task force.* A Pharmaceutical Disposal Task Force will coordinate a campaign to highlight opportunities to dispose properly of unwanted drugs, and the benefits of such disposal. The campaign will be implemented by the Illinois EPA working with IDPH and the State Board of Education (S.B. 2524, Rose—Breen-Gabel-Bellock-Casidy).

**Fertility Preservation.** Health insurers, Medicaid, and similar policies must cover fertility preservation treatments if necessary

medical treatment may cause infertility (H.B. 2617, Gabel-S.Andersson-Fine-Hoffman-Zalewski et al.—Murphy-Castro-Steans-Holmes-Clayborne et al.).

**Firearm Owners’ Identification (FOID) Cards.**

The definition of a “patient” for FOID eligibility is expanded to include all who receive inpatient treatment at a mental health facility, and those who involuntarily receive services from mental health facilities and pose a clear and present danger to themselves or others. The Department of State Police is allowed 60 *business* days after a timely application for FOID renewal to approve or deny it; but if application is made before the card expires, the card will remain valid while the Department considers the application (H.B. 4855, B.Wheeler-D.Harris-Hurley-Ford et al.—Muñoz-Mulroe-Haine-McConaughay et al.).

**Healthcare Violence Prevention.**

A new law sets workplace safety standards and requires healthcare providers to create workplace violence prevention programs for healthcare and social service workers. Medical care of prisoners and other committed persons will be regulated to ensure safety of workers, including requiring a guard to escort prisoners getting medical care outside a detention facility. The Illinois Law Enforcement Training Standards Board must establish a certification program for custodial escort and custody of high-risk committed persons (H.B. 4100, Kifowit-K.Wheeler-Phelps Finnie-Costello-Bristow et al.—Castro-Althoff-McGuire-Bertino-Tarrant-Holmes et al.).

**Hearing Aid Insurance Coverage.**

Health insurers, managed-care plans, HMOs, and health services plans must cover medically necessary hearing aids and related services prescribed by hearing professionals for minors (H.B. 4516, Fine-Carroll-Manley-Conroy-Williams et al.—J.Morrison-Silverstein-Van Pelt et al.).

**Hospice Patient Limit.**

A hospice residence can serve up to 20 patients (formerly 16) (H.B. 1447, Manley-Walsh-Connor—Bertino-Tarrant-McGuire).

**Hospital Assessments and Payments.**

For FYs 2019 and 2020, new assessments on inpatient services will be \$197.19 per non-Medicare bed-day, and 1.358% of gross outpatient revenue for outpatient services. For FY 2020, those amounts will be increased enough to bring in an additional \$6.25 million each. For FYs 2021 through 2024, the assessments are to be adjusted to bring in the same total amount as in 2020. New hospital access payments are established for facilities treating Alzheimer’s patients, safety-net hospitals, critical-access hospitals, and Medicaid-dependent hospitals (among others). Some hospital reimbursement rates are increased. DHFS will make “hospital transformation” payments to help hospitals better serve their communities (S.B. 1773, Steans-Van Pelt-Collins-Hunter-Martinez et al.—G.Harris-Bellock-Stratton-Feigenholtz-Demmer et al.).

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## HEALTH & SAFETY

(continued from p. 17)

### **Hospital Sexual Assault Plans.**

Licensed hospitals and University of Illinois hospitals that provide general medical and hospital services must provide (1) transfer services and medical forensic services to sexual assault survivors, or (2) transfer services to pediatric sexual assault survivors and medical forensic services to survivors 13 or older (in lieu of transfer services or hospital and forensic services to all sexual assault survivors). Hospitals must submit plans for providing such services to IDPH, and report statistics on sexual assault patients to it every 6 months. IDPH must do periodic on-site reviews of approved hospital sexual assault treatment plans. Provider staffs must get sexual assault training.

Treatment hospitals and facilities with approved pediatric transfer plans must enter memoranda of understanding with rape crisis centers for medical advocacy services if available. Pediatric medical facilities that provide sexual assault treatment services (added to hospitals) must provide information on emergency contraception. Photo documentation from a sexual assault victim's medical forensic exam must be kept as part of the patient's medical record. Approved pediatric healthcare facility staff are to receive the training supervised by the State Police in using evidence collection kits. A Sexual Assault Medical Forensic Services Implementation Task Force will help healthcare facilities provide sexual assault forensic services

(H.B. 5245, Unes-Currie-Bellock-Gabel-Demmer et al.—J. Morrison-Bush-Hutchinson-Collins-Rezin et al.).

**HPV Prevention.** Starting in 2020, males (now only females) under 18 who meet stated requirements will be eligible to receive vaccination against human papillomavirus (HPV) without charge. IDPH must provide all students entering 6th grade (now only girls) and their parents information on (1) HPV and its links to some cancers, and (2) HPV vaccine availability (S.B. 2866, Holmes-Castro-Van Pelt-J. Morrison-Hastings et al.—Evans-Gabel-Bellock-Gordon-Booth et al.).

### **Lead Poisoning Prevention.**

IDPH must propose amended regulations updating the definition of elevated blood lead level to match Centers for Disease Control and Prevention reference values. It must also update requirements for inspection of regulated facilities occupied by children based on the updated definition or a history of lead hazards (S.B. 2996, Collins-Hunter-E. Jones-Martinez et al.—Willis-Wallace-Sauer-Gabel-Fine et al.).

**Lyme Disease.** IDPH is to create a Lyme Disease Prevention, Detection, and Outreach Program, including a Web page with information on prevention, detection, and treatment. A Lyme Disease Task Force will advise IDPH. Physicians may not be disciplined for using experimental treatments such as long-term antibiotics for Lyme disease or other tick-borne illness (H.B. 4515,

Swanson-Chapa LaVia-Costello-Ives-Phelps Finnie et al.—Nybo-N. Anderson-Manar-Murphy-Bush et al.).

**Managed Care and Drug Formularies.** If a managed-care plan intends to remove a drug from its formulary, or change its preferred or cost-tier sharing in a way that is less favorable to patients, during a plan year, it must provide notice at least 60 days in advance and offer a convenient way for prescribers to override the change by declaring the drug medically necessary. Plans can still require use of generic equivalents (H.B. 4146, Fine-D.Harris-Bellock-Conroy-Flowers et al.—Steans-Muñoz-Holmes-Althoff-Bush et al.).

**Medicaid Managed Care.** New contracts between managed-care organizations (MCOs) and DHFS must be made under the Illinois Procurement Code. The Department must post on its website an analysis of MCO claims processing and payment performance every 6 months, and post provider fee schedules on its website. If an MCO cannot recoup funds from a hospital, the Department must work in good faith with the MCO to mitigate the loss (S.B. 1573, Steans-Martinez-Hunter et al.—G.Harris-Bellock-Stratton-Feigenholtz-Demmer et al.).

**Mental Health and Substance Use Treatment.** An insurance plan may not exclude coverage of medication or services prescribed for substance abuse disorders solely because they were court-ordered. It may not impose

prior authorization or step therapy requirements for coverage of substance abuse prescriptions, and must place drugs for mental, emotional, nervous, or substance abuse disorder on the lowest appropriate formulary tiers. The Department of Insurance, in conjunction with DHFS, is to require insurers to submit information proving their compliance with mental health parity and addiction equity laws, and report annually to the General Assembly. The Auditor General is to audit those Departments' compliance with those requirements (S.B. 1707, Raoul-Bush-J.Morrison-Murphy-Aquino et al.—Lang-Turner-S.Andersson-McDermed-Bellock et al.).

**Newborn Screening.** IDPH is to start screening all newborns for a gene condition causing spinal muscular atrophy by the earlier of July 1, 2020 or 6 months after stated conditions are met, including development and/or approval of a reliable screening test using dried blood spots (S.B. 456, J.Morrison-Connelly et al.—Lilly-Swanson-McAuliffe-Batinick et al.).

**Opioids. Abuse study.** A 25-member Prescription Drug Task Force will study prescription opioid abuse and over-prescription of opioids, and report with recommendations to the General Assembly by the end of 2019 (H.B. 4707, Scherer-Ford-S.Andersson-Andrade-Winger et al.—Bush-T.Cullerton et al.).

*Prescriber training.* Controlled substance prescribers must get 3 hours of continuing education

on safe opioid prescribing practices before each license renewal, which will count toward the continuing education hours needed for renewal (S.B. 2777, Althoff et al.—Bellock).

**Police Dog Health.** Each police dog must be vaccinated for rabies before starting service, and get at least annual physical exams. Vehicles transporting such dogs must have systems to alert their handlers or central dispatch if internal temperatures exceed 85° F. (H.B. 1671, Sente-Sauer-Tabares-Cabello-Costello et al.—J.Morrison-Castro-T.Cullerton-Holmes et al.).

**Sepsis Task Force.** A Sepsis Review Task Force will study early intervention and prevention of deaths from sepsis. Among other things, it will study scientific advances in blood tests to detect sepsis (S.B. 3532, Rose-Hunter—Wallace et al.).

**Short-Term Health Insurance.** Policies offering health coverage for less than 1 year are limited to under 6 months' coverage, and cannot be renewed for 1 year after coverage ends. Insurers cannot rescind them before they expire, except due to fraud or nonpayment of premiums. Sellers of such policies must disclose that they do not constitute minimum essential coverage under the Patient Protection and Affordable Care Act. Such policies must have Department of Insurance approval before being sold (H.B. 2624, Fine et al.—Steans-Holmes-Collins-Bush-Martinez et al.).

**Substance Abuser Recovery Housing.** Health insurers and managed-care plans *may*, in stated conditions, cover recovery housing for persons with substance use disorders who are at risk of relapse after treatment. Coverage may include abuse disorder treatment, transitional housing services, case management and referral services, and job training or placement (H.B. 5868, Ford et al.—Muñoz-McCarter-Hunter et al.).

**Veterans' Homes. Infection notice.** If an infectious disease with a significant mortality rate for the elderly is diagnosed in at least two residents of a veterans' home in 1 month, the home must give notice within 24 hours to residents, the Department of Veterans' Affairs, and IDPH—which must post that and other information on the incidence of the disease on their websites (H.B. 4278, Kifowit-Halpin-McSweeney-Costello et al.—T.Cullerton-Castro-Van Pelt-McCann et al.).

*Resident health report.* The Department of Veterans' Affairs must report twice yearly to the General Assembly on veterans' home residents' health and welfare. The report must include information on resident complaints; any reported epidemics; and communicable disease cases and actions to eradicate them (H.B. 5784, Manley-Hurley-K.Stuart-Connor et al.—T.Cullerton et al.).

*Robert L. Bayless*  
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# LOCAL GOVERNMENT

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**The General Assembly voted to require police to implement policies for responding to sexual abuse of young victims, and have written policies for internal review of officer-involved shootings. Legislators authorized local government regulation of small wireless facilities, and creation of Urban Agricultural Areas for qualified farmers or nonprofit groups. Other bills approved by both houses will require local governments to disclose severance agreements reached due to an employee's sexual harassment or discrimination; prohibit ticket quotas for Chicago police; and allow local liquor control commissioners to grant licenses to premises less than 100 feet from a school, church, etc.**

**Ambulance Tax.** With referendum approval, a rescue squad district can levy a property tax up to 0.4% to support or provide new ambulance service (S.B. 2297, Althoff—S.Reick).

**Bidding—Small Contracts.** Local governments need not bid architectural, engineering, and land surveying contracts expected to cost less than \$40,000 (was \$25,000). The threshold will be adjusted hereafter for inflation (S.B. 2328, Holmes-Althoff-McConchie—McDermed-Sente).

**Courthouse Lactation Rooms.** By June 2019, each circuit courthouse is to have a lactation room or area (not in a restroom) available to the public for expressing breast milk. Such rooms are to include a chair, table, electric outlet, and, if possible, sink with running water (S.B. 3503, Sims-Castro-Hutchinson-Collins-Holmes et al.—Cassidy-K.Stuart et al.).

**Crime Victim Compensation.** When the Attorney General requests a police report to check a crime victim's compensation application, police must provide it

within 15 days, but may redact some information. Nonconsensual posting of minors' information on pornographic sites, and nonconsensual distribution of intimate images of a person, become compensable crimes under the Crime Victims Compensation Act (H.B. 5267, Williams et al.—Bush-McConaughay-Holmes-Althoff et al.).

**Electronic Notices.** Local governments may establish a process for sending government mailings by e-mail rather than mailing them. Participation will be optional, and any system must be able to confirm recipients' identities (H.B. 4822, Halbrook-Fortner-Olsen-Ives-Batinick—Rose-Connelly).

**Fire Protection Disconnection.** If land is in both (1) a fire protection district and (2) a home-rule municipality that provides fire service to at least 80% of its area, the municipality may petition a court to disconnect the land from the district and annex it to the municipality. Before doing so, it must file with the county clerk a report on the effects of the proposed disconnection, with a copy to each affected

fire protection district board (S.B. 2598, Sandoval et al.—Crespo-Willis-D.Harris).

**Library Trustee Qualifications.** To be a library trustee, a person must be a qualified elector of the district; have lived there at least 1 year; not owe the district anything; and have no serious criminal convictions (H.B. 2222, Olsen-Willis-Wehrli—Curran).

**Liquor Licenses.** If allowed by a local rule or ordinance, a local liquor control commissioner may grant a license to premises less than 100 feet from a church, school, hospital, etc. (S.B. 2436, Nybo et al.—Feigenholtz-Cassidy et al.).

**Officer-Involved Shooting Policies.** Law enforcement agencies must have written policies for internal review of officer-involved shootings—including requiring officers to report them immediately, and agencies to conduct thorough reviews. The policies are to be available under the Freedom of Information Act (S.B. 2378, Raoul et al.—Cabello-Carroll-Slaughter-Stratton-Turner et al.).

**Police and Young Victims.** By 2020, the Attorney General, consulting with the Law Enforcement Training Standards Board and Department of State Police, is to revise the guidelines for law enforcement agencies' sexual assault and abuse response and investigation policies to address responding to victims under 13. Law enforcement agencies must implement policies based on the

*(continued on p. 33)*

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# PROFESSIONS & OCCUPATIONS

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The General Assembly voted to prohibit denial of a license by the Department of Financial and Professional Regulation or the State Board of Education due to citizenship or immigration status. Legislators expanded the permitted activities of dental assistants and physical therapists, and increased from 5 to 7 the number of physician assistants with whom a physician may have collaborative agreements. Continuing education required for a professional license renewal is to include at least 1 hour of sexual harassment prevention training starting in 2020.

**Beauty License Exams.** Applicants who have studied barbering or cosmetology for 1,200 hours, esthetics for 600 hours, or nail technology for 280 hours may take the corresponding license exam (H.B. 4883, Mayfield—Weaver; S.B. 2877, Weaver—Mayfield-Ammons-Wallace et al.).

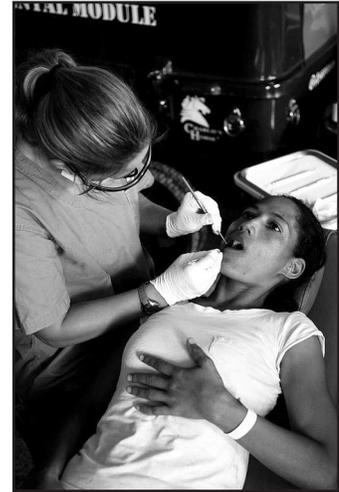
**Dental Assistants** with required training may do restoration work. Some procedures by dental assistants and hygienists, including taking impressions and placing restorations, must be authorized and approved by a dentist before the patient leaves, but the dentist need not be present at all times. A dental hygienist may do coronal polishing and apply pit and fissure sealants under a dentist's general supervision (S.B. 2631, E.Jones-Murphy-Castro et al.—Sosnowski).

**Licensing After Conviction.** The Department of Financial and Professional Regulation (DFPR) must describe on its website how it uses criminal history information in license application decisions, and list crimes that bar licensure (S.B. 2853, Althoff—K.Wheeler).

**Licensing and Immigration Status.** Neither DFPR nor the State Board of Education is to deny a license, certificate, permit, or registration due solely to citizenship or immigration status. An applicant may use a Taxpayer Identification Number in lieu of a Social Security number (S.B. 3109, Martinez-Castro-Aquino-Harmon et al.—Guzzardi-Hernandez-Mah-S.Andersson-Stratton et al.).

**Physical Therapy Practice.** A physical therapist may treat a patient (other than doing wound debridement) with no physician referral, but must notify the patient's physician within 5 days after the first visit unless it is only for fitness or wellness. A physical therapist must refer a patient to, or consult with, a physician in some situations, such as if the patient does not improve or TMJ disorder is suspected (H.B. 4643, D.Burke-Williams-Gabel-Hoffman-Willis et al.—Mulroe-Castro-Martinez et al.).

**Physician Collaboration.** The number of physician assistants with whom a physician may have



collaborative agreements is raised from 5 to 7. More than 7 agreements are allowed if services are provided in a federally designated primary health professional shortage area with a shortage score of at least 12 (S.B. 2904, Steans-Althoff-Martinez et al.—Feigenholtz-Flowers-Phelps Finnie-K.Burke et al.).

**Sexual Harassment Training.** Starting in 2020, any continuing education required for a professional license renewal must include at least 1 hour of sexual harassment prevention training (H.B. 4953, McAuliffe—Bush-Castro-T.Cullerton-Van Pelt et al.).

*Alexis Dawson  
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# REVENUE

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**Legislators voted to require out-of-state sellers that meet stated sales thresholds to collect use tax from Illinois buyers. Tax credits to promote adoption, historic structure rehabilitation, coal mining, and flood relief are created or extended. The standard exemption is to revert to \$1,000 in 2024. Other bills will expand brewery sales; create new lottery games; and establish rules for assessing commercial solar energy systems.**

## Income Tax

**Historic Structure Credits.** For tax years 2019 through 2023, with Department of Natural Resources approval, an income tax credit will be offered equal to 25% of qualified costs for rehabilitating a historic structure if they (1) are at least \$5,000 or (2) exceed the structure's adjusted basis before rehabilitation. Credits cannot exceed \$3 million per project, or total more than \$15 million per year. The Department is to prioritize some projects, including those in low-income areas.

The River Edge Redevelopment Zone tax credit's conditions are changed somewhat for tax years 2018 to 2021; it will be administered by the Department of Natural Resources (formerly the Department of Commerce and Economic Opportunity).

Biennially, subject to appropriation, a third party will be hired to report to the General Assembly on the effectiveness of both credits (S.B. 3527, Stadelman-Koehler-Weaver-N.Anderson-Althoff et al.—Gordon-Booth-Greenwood-Halpin-Wallace-Smith et al.).

**Standard Exemption.** The standard exemption is to revert to \$1,000 after tax year 2023 (S.B. 1437, Murphy-J.Morrison-Bush et al.—Moylan-Kifowit-DeLuca-Olsen et al.).

## Multiple Taxes

**Coal Exemption End.** The sales and use tax exemption for coal mining equipment is to end July 1, 2023 (H.B. 4415, Costello-Hammond-D.Reis-Meier-Phelps Finnie et al.—Harmon-Bush et al.).

**Out-of-State Sellers; Internet Lottery; Various Credits.** Starting October 1, 2018, an out-of-state seller of tangible personal property to Illinois buyers will be deemed to have an Illinois place of business if it has (1) cumulative gross receipts from such sales of at least \$100,000 or (2) 200 or more separate transactions for such sales (in each case apparently in the last 12 months). Retailers meeting either threshold must collect Illinois use tax and file returns for that year. [The U.S. Supreme Court's June 2018 decision in *South Dakota v. Wayfair* suggested that a similar South Dakota law is valid.]

The Lottery Department's authority to allow Internet sales of lottery tickets is extended 1 year to July 2019.

The income tax credit for property owners in areas with disasters declared due to flooding in 2017 is extended to such areas flooded in 2018.

A new income tax credit is created for adopting a qualifying dependent child, equal to the amount of the federal adoption tax credit for qualified adoption expenses, up to \$2,000. If the child lives in Illinois and is at least 1 year old when the expenses are paid, the limit will be \$5,000.

The income tax credit for a for-profit hospital's property tax payments, or the cost of free or discounted services given, will end after tax year 2022 (H.B. 3342, G.Harris-Demmer-Chapa LaVia-Rita et al.—Steans-Sims-Righter-Rose-Manar et al.).

## Other Topics

**Expanded Brewery Sales and Storage.** Class 1 brewers with self-distribution exemptions allowing sale of their beer to retailers may also sell to other brewers that sell beer or cider at their breweries. Brewers may sell at retail on their licensed premises beer from any brewer (not only their own beer). Distributors may sell beer and cider to brewers that sell beer or cider at their breweries. With Illinois Liquor Control Commission approval and under some restrictions,

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Class 1 and 2 brewers may transfer limited amounts of their beer to breweries they own.

A new brewer warehouse permit may be issued to the holder of a Class 1 or 2 brewer license, allowing storage or warehousing of up to 930,000 gallons (Class 1 brewer) or 3.72 million gallons (Class 2 brewer) of beer made by the permittee at premises specified in the permit (H.B. 4897, Guzzardi-Butler-Welch et al.—Muñoz et al.).

**Lottery Games.** *Homeless; winner privacy.* A new scratch-off game will fund Department of Human Services grants to homelessness prevention and assistance projects. On written request by the winner of a prize of at least \$250,000 when claiming it, the Lottery Department must keep the winner's name and municipality confidential; but that

information is still disclosable under the Freedom of Information Act (S.B. 211, Murphy-Sims—Moylan-Ford-T.Jones-Zalewski).

*Police.* Another scratch-off game will fund police memorials; scholarships and financial aid to families of officers killed or injured on duty; and bulletproof vests (H.B. 5513, Durkin-D. Burke-Lilly-McAuliffe-Hurley et al.—Muñoz-Sandoval-B.Brady et al.).

**Solar Energy Property Taxation.** In any county except Cook, the owner of a commercial solar energy system, as defined, must have the land under it surveyed and give a copy to the landowner and county assessor. If the landowner agrees, the assessor will issue a separate parcel ID for the system for taxation only, and levy a property tax on the system. A

commercial solar energy system is to be given an initial market value for property tax purposes of \$218,000 per megawatt of nameplate generating capacity and depreciated to 30% of that amount, as adjusted for inflation, over some 17 years. Such systems' assessments will be subject to property tax multipliers.

If the land on which such a system sits was assessed as farmland before installation of the system, it is to revert to such an assessment if returned to farm use. Any taxing district may abate some or all of its real estate taxes on a commercial solar energy system (S.B. 486, Harmon-Castro-Martinez-Althoff et al.—Currie-Batinick-Ford-Sente-Lang et al.).

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## BUSINESS & ECONOMIC DEVELOPMENT

*(continued from p. 5)*

worker safety laws, and (2) form a task force with state's attorneys to combat the "underground economy" (S.B. 193, Raoul-Link-Holmes-Collins-Hastings et al.—Hoffman-Moylan-Ammons-T.Jones et al.); **total veto stands.**

**Workers' Compensation Rate Approval; Insurer Restructuring; Short-Term Health Coverage.** Workers' compensation insurers must file planned rates with the Department of Insurance (DoI) 30 days before (formerly 30 days after) they take effect,

and get its approval. An insurer planning to deviate from the filing of a licensed rating organization of which it is a member must provide justification. Insurers are to provide businesses with notice and justification for premiums more than 5% above the rate recommendation filed with DoI.

Lengthy provisions expand restructuring options for insurers and reinsurers. Industrial insureds (businesses meeting minimum requirements for size or annual revenues) that buy insurance from

unauthorized insurers will pay a tax of 0.5% of their gross premiums in lieu of the 3.5% surplus line tax rate. Requirements are added for short-term health insurance policies, similar to those in H.B. 2624 (see Health & Safety article) (S.B. 1737, Muñoz—Hoffman-Unes-Hammond-D.Brady-Zalewski et al.).

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## SOCIAL SERVICES

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The General Assembly voted to require the state's child-service agencies to develop a plan to provide health services to children in managed-care organizations before enrolling a child under their care in one, and exempted technology-dependent and in-home nursing-eligible children from Medicaid managed care. Legislators approved pilot programs for community care for persons with disabilities; early treatment of drug addiction; creation of state credentials for developmental disability direct support workers; and training entry-level workers and supporting families.

**Behavioral Health Care.** *Loan repayments.* Subject to appropriation, the Illinois Student Assistance Commission will make grants starting July 1, 2019 to eligible mental health or substance use professionals with student loans who have worked at least 1 year in underserved areas. Grants can range from \$2,500 to \$35,000 per year, depending on profession, for up to 4 years. Recipients must work at least 1 year in an underserved area for each grant award (H.B. 5109, Lang-Conroy et al.—Steans-Martinez-Castro-Bush et al.).

*Provider education.* A task force will study the idea of starting a program administered by a state university to help behavioral health students train in underserved areas—including adding psychiatry residencies and internships—and report to the General Assembly by September 28, 2018 (H.B. 5111, Lang-Conroy et al.—Steans-Castro et al.).

**Child-Care Eligibility.** Families' eligibility for child-care services from the Department of Human Services is to be redetermined no sooner than 12 months after the latest determination. During

such 12-month periods, families are to remain eligible regardless of (1) changes in family income (unless it exceeds 85% of the state median income) or (2) a temporary change in a relative's work or school status (H.B. 4965, Wallace-Pritchard-Harper-Conyears-Ervin-Hammond et al.—Hutchinson-McConnaughay-Collins-Bush et al.).

**Child Death Investigations.** If funds are available, the Department of Child and Family Services (DCFS) will name a Child Death Investigation Task Force to investigate unexpected child fatalities and near-fatalities in southern Illinois, at least. The task force is to have a Board of Directors representing state government and law enforcement (S.B. 3223, J.Morrison et al.—Cassidy).

**Child Welfare Workforce Study.** A task force is to study child welfare worker compensation, caseload standards, and turnover rates, and their effects on children. Its 17 members will represent state government, universities, unions, nonprofit organizations, and the private sector. It will make recommendations for improving recruitment and retention of child welfare workers and reducing turnover in a

first report by October 2019 and a final report by January 2020 (S.B. 2628, J.Morrison—Currie-Bellock-Kifowit-Demmer et al.).

**Developmental Disability Facility Oversight.** The private agency designated by the Governor to administer a state plan to protect persons with developmental disabilities will have access to community-integrated living arrangements. It is to report annually to the Department of Human Services on how many visits it made to developmental disability facilities, which ones it visited, and the nature of each visit (H.B. 5636, Meier et al.—Schimpf).

**Diversion From Facility Care.** Persons with intellectual or developmental disabilities, now getting community-based services but at risk of needing institutional care due to behavioral issues, will be eligible for a pilot program. Subject to appropriation, the Department of Human Services is to locate six homes, each with no more than four residents in separate bedrooms, for 1 to 2 years or longer if appropriate. The program will run through 2022 (S.B. 2424, Steans-Van Pelt—Gabel-Sauer-Willis et al.).

**Human Services Contracting.** A task force will study state contracting with nonprofit human service providers and make recommendations for improving the relationship between them. The four legislative leaders will appoint its 26 members. A preliminary report is due October 1, 2019 and a final report by January 2020 (S.B. 2662, Murphy—Mussman et al.).

**Medicaid Managed Care. Drug lists.** From 2019 through 2022, Medicaid managed care organizations (MCOs) must list on their preferred drug lists at least as many drugs per class as the Department of Healthcare and Family Services (DHFS) preferred drug list has. DHFS may not require an MCO to use one statewide preferred drug list, or bar negotiated drug price cuts. MCOs must comply with a standard preferred drug list format from DHFS, posting their lists on websites and giving 30 days' notice before changes. The Governor will appoint an Illinois Pharmacy and Therapeutics Advisory Board to recommend drugs for DHFS's preferred list (H.B. 4096, G.Harris-Stratton-Flowers-Feigenholtz-Davis et al.—Steans-Biss-Murphy-Castro et al.).

*Exemption.* Children who are technology-dependent or eligible for in-home nursing services under Medicaid may not be required to get managed care (H.B. 4736, Crespo-Bellock-Demmer-Ammons-G.Harris et al.—Koehler-Althoff-Van Pelt-Curran et al.).

*Foster child health care; Medicaid reimbursement.* DCFS and DHFS, before enrolling a child under their care in an MCO, in consultation with a new workgroup representing the child welfare community, must develop a transition plan for providing health services to children in MCOs. DCFS must annually report to the House and Senate Human Services Committees on access to and quality of health care services for those children; the

Committees are to hold hearings on those subjects during each legislative session.

DHFS, consulting with MCOs and an MCO trade association, is to implement a capitation base rate-setting process. DHFS must notify MCOs in advance of policy changes, then meet with them to assess the changes and answer questions.

Nursing homes, hospitals, and facilities caring for Medicaid patients are to use a standardized Physician Certification Statement, developed by DHFS and other interested parties, to document medical necessity for non-emergency patient transport.

New or higher Medicaid reimbursement rates are established for services to residents in some specialized facilities. If the federal government does not approve the changes to the hospital reimbursement methodology in P.A. 100-581 before the changes are to take effect, and grants no extension of the old methodology, DHFS is to continue payments under the old methodology if federal matching funds are available (S.B. 1851, Steans-Hunter-Syverson-E.Jones-Aquino et al.—G.Harris-Bellock-Feigenholtz-Demmer-Lilly et al.).

**Medicaid for Nursing Home Care.** Medicaid applicants whose applications are not acted on by federal deadlines must get provisional eligibility pending final determinations. Providers will be reimbursed for services during provisional eligibility (H.B.

4771, Hammond-Spain-Hoffman-G.Harris-Unes et al.—Mullroe-Syverson-Tracy-Martinez et al.).

**Mental Health and Addiction Treatment.** The Department of Healthcare and Family Services is to start two pilot programs. In one, Medicaid enrollees aged 16-26 with serious mental illnesses will get community-based mental health treatment from a youth-focused community support team. The other is for early treatment of opioid or other drug addictions, including community outreach, case management, and treatment in each participant's environment. A third party will evaluate the programs after 5 years. DHFS is to report on the programs to the General Assembly after 4 and 7 years (S.B. 2951, Bush-Althoff-McGuire-J.Morrison-Collins et al.—Feigenholtz-Lilly-Conroy-Lang et al.).

**Mental Health Support Persons.** The Department of Human Services is to start a 3-year pilot program on creation of state credentials for developmental disabilities direct support workers. The Department is to report on numbers of people credentialed; how the program affects recruitment and retention of such workers; and how it improves services to patients (H.B. 4665, Gabel-Wallace—Bush-J.Morrison).

**Substance Use Disorder Programs.** Police agencies may create "deflection" programs in which officers connect substance abusers with licensed treatment

(continued on p. 31)

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# STATE GOVERNMENT & PENSIONS

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The General Assembly voted to allow the Legislative Inspector General (IG) to investigate sexual harassment complaints without approval of the Legislative Ethics Commission; require search committees to fill vacancies in the office of the Legislative IG; and increase Executive and Legislative IG reporting requirements, among other changes. Other successful bills change the composition of the Human Rights Commission and authorize temporary commissioners to reduce its backlog; call for a pension buyout plan for some Tier 1 employees; require state jobs under the Governor and the Personnel Code to be located in Sangamon County unless there is a reason for them to be elsewhere; and require the State Board of Elections to use some federal funds to help election authorities fight cyber-breaches.

**Auxiliary State Policemen** may no longer be appointed after this act takes effect. The life of the Commission on Police Professionalism is extended 6 months to July 2019 (S.B. 3263, Sims et al.—Welch-B.Stewart-Cabello-Hurley-Costello).

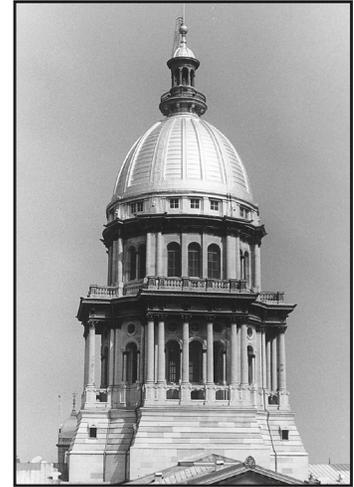
**Building Codes. Availability.** Any proposed adoption or change of a building or construction code by a state agency must be reported to the Capital Development Board, which must make information on such proposed or adopted codes readily available to the public (S.B. 2620, Castro—Willis-Sente-Halpin et al.).

**Energy efficiency.** The International Energy Conservation Code is to apply to all future Capital Development Board state government building projects unless specifically provided otherwise. New state-funded construction and major renovations of state-owned facilities must be designed to achieve at least LEED Silver

certification or an “equivalent” standard of energy efficiency (S.B. 3031, Weaver—Cabello-Sente-Carroll).

**Council on Women and Girls.** A council with 21 members appointed by the Governor and top legislative leaders will advise the Governor and General Assembly on issues of women and girls, including those who are immigrants or transgender. It is to report each June 30 and December 31 (H.B. 5544, Moeller-Conyears-Ervin-K.Burke-Gabel-Sente et al.—Collins-Hunter).

**Cybersecurity Audits.** The Auditor General’s annual compliance examinations of state agencies are to address cybersecurity practices, focusing on agencies holding large amounts of personal information. Findings are to be included in agencies’ compliance examination reports (H.B. 5547, Andrade—Martinez-Castro-Van Pelt et al.).



**Executive Orders Confirmed.** *DoIT creation.* The Department of Innovation and Technology, created by a 2016 Executive Order, is confirmed as a Code department and its functions stated in detail. They include comprehensively reviewing the Illinois Century Network, providing its needed personnel and services, and making leases for use of currently unused state fiber networks by private parties and of private networks for state agencies (H.B. 5611, Andrade-K.Wheeler-Demmer-Zalewski et al.—Martinez-Nybo-Van Pelt-Hunter et al.).

*Historic preservation.* Confirming a 2017 Executive Order, the Historic Preservation Agency’s functions, except those related to the Abraham Lincoln Presidential Library and Museum, are transferred to the Division of Historic Preservation in the Department of Natural Resources (H.B. 5686, Butler-Althoff).

**Governor’s Employees** may not be paid from appropriations enacted after this act takes effect that are not made for paying the Governor’s employees (H.B. 5121,

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C.Mitchell-McSweeney-Chapa  
LaVia-G.Harris-Welch et al.—  
Manar-Holmes-Castro-Collins-  
Hutchinson et al.).

**Grant Funds.** The Governor’s Office of Management and Budget and Illinois Single Audit Commission are to issue legislative proposals to implement a federal law for stopping improper payments to grantees. The Comptroller and the Grant Accountability and Transparency Unit are to enable state agencies to stop payments to grantees not complying with legal requirements (S.B. 2540, Barickman-T.Cullerton-McConchie et al.—Crespo-Kifowit).

**Human Rights Commission Changes.** Effective next January 1, the Commission’s 13 members will be replaced by 7 commissioners named by the Governor with Senate confirmation and paid \$119,000 per year (\$125,000 for the chairperson). Each such member can hire and supervise a staff lawyer. The Governor is also to appoint a “special temporary panel” of three commissioners to reduce the Commission’s backlog. Commission decisions must be published within 180 days after being issued. A complaining party will have 300 days (was 180) after an alleged civil rights violation to file a charge with the Department of Human Rights or the federal EEOC. A complainant can irrevocably opt out of a Department investigation and file suit on the complaint, ending the investigation. If a complainant files a suit (or a charge before a local administrative agency), and a final decision

in that matter would preclude filing a claim based on the same allegations, the Department is to dismiss its investigation (S.B. 20, Steans et al.—Currie-Jimenez-Sente-Hurley-K.Burke et al.).

**Immigration.** By April 2019, the Attorney General is to issue model policies to protect immigrants from immigration enforcement in state-funded day-care centers, schools, colleges, and medical facilities; public libraries; Secretary of State facilities; and courts. Those institutions are to implement the model policies or “equivalent” policies; other institutions are encouraged to adopt them. Application forms of state or educational agencies for benefits or other opportunities may not ask about immigration status except as required by law (S.B. 35, Harmon-Raoul-Castro-Martinez et al.—Welch-Hernandez-Mah-Thapedi-Ammons et al.).

**Liquor Control Commission.** The Governor, with Senate confirmation, is to name an Executive Director of the Illinois Liquor Control Commission, who must meet the same statutory requirements as Commission members. The Commission will become fully separate from the Department of Revenue (reversing part of a 2003 Executive Order), and join the statutory list of agencies not directly responsible to the Governor. All of these provisions are in sections that, under this act’s effective-date section, will take effect July 1, 2019 (S.B. 3022, Muñoz-Murphy-Castro et al.—Lang-McSweeney-Turner-Demmer et al.).

**Minority Contracting.** The Attorney General (except for investigation and litigation services), Comptroller, Secretary of State, and Auditor General are directed to establish aspirational goals for employing businesses owned by minorities, women, and persons with disabilities. Those officers are to report their actions regarding those goals on their websites annually (S.B. 3106, Hutchinson-Clayborne-Van Pelt-Holmes-Martinez et al.—Davis-Mayfield-Ammons-Flowers-Lilly et al.).

**Notaries Public.** Applications for notarial commissions must list applicants’ business addresses if they will perform notarial acts as part of their work. The Secretary of State can do criminal background checks on applicants. A notary whose commission becomes invalid must surrender the notarial seal, and the notarial commission certificate must be destroyed. A notary whose commission is revoked cannot apply for another one for 5 years. The list of offenses that can result in revocation is expanded; the Secretary of State can investigate alleged violations, and the notary must cooperate. Several levels of administrative sanctions are authorized for violations of the act on notaries (S.B. 3443, Harmon—Davis).

**Pensions.** *Buyout plan; educator pay bumps.* Tier 1 members of the State Employees’, State Universities, and Teachers’ Retirement Systems who are eligible for retirement benefits, upon ending service before July 2021, can optionally choose to take some

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## STATE GOVERNMENT & PENSIONS

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or all of their retirement benefits as lump sums in one of two ways: (1) getting 60% of the present value of all pension (including survivors' and disability) benefits; or (2) getting 70% of the present value of the excess in value of (a) the statutory 3% compounded annual increase in future retirement (including survivors' and disability) benefits over (b) 1.5% noncompounded annual increases in such benefits (not to start before age 67). Any such lump sum must be rolled over into a tax-qualified retirement account. Group insurance (such as medical) benefits will not be affected by taking a lump sum. Lump-sum payments will be funded by issuing General Obligation bonds.

Existing provisions requiring educational employers to pay to SURS or TRS the cost of any yearly increase beyond 6% in an employee's pay are tightened to apply to any such increase beyond 3% (H.B. 3342, G.Harris-Demmer-Chapa LaVia-Rita et al.—Steans-Sims-Righter-Rose-Manar et al.).

*Chicago Municipal and Laborers' Funds.* Employer contribution rates for these two funds are set at 6% of salary, retroactive to July 2017; such employer contributions cannot be taken by employees as refunds. Minor changes are made in the method for calculating employee contributions based on whether the

systems' funded ratios are at 90% (H.B. 4811, Zalewski—Mulroe).

*Highly paid employees.* An existing provision requiring employers under SURS to pay to SURS the full "employer" cost of funding the pension of any member who is paid more than the Governor's legal salary is changed to base that threshold on the actual amount paid to the member in a year, rather than the full-time-equivalent amount. If the employer fails to pay such a charge on time, the Comptroller is to withhold that amount from its state appropriation. The same change is made in the threshold for the parallel provision in the TRS article (S.B. 2954, Aquino—Martwick).

*SURS and TRS defined-contribution options.* Those two systems must allow active members to make optional contributions to defined-contribution accounts for themselves. Employers also can make optional contributions to those accounts (H.B. 5137, Martwick-D.Harris-Batinick-Andrade—McConchie-Althoff-Connelly).

*SURS contributions required.* A public university or community college that fails to make employee contributions (or to forward employee contributions) to SURS for 120 days may suffer a reduction in state funds, or a lawsuit, to recover the amount that should have gone to pension funding (H.B. 4684, Martwick—Aquino).

**Prompt Payment Act and Appropriations.** Starting in fiscal year 2019, each state agency is to receive a separate line item for its projected costs to comply with the State Prompt Payment Act and Insurance Code sections on payments to medical providers. The Governor's annual economic and fiscal policy report is to project amounts needed for that purpose. Those amounts are made subject to the provision allowing up to 2% of many line items to be transferred among funds of an agency. Interest will not accrue under the State Prompt Payment Act on a contract declared void for violating the Illinois Procurement Code, or during a review by the Auditor General that includes the contract (H.B. 5814, McSweeney-Ammons-Chapa LaVia-Batinick-Cabello et al.—T.Cullerton-Bush-Sims-Manar-Castro et al.).

**Quincy Veterans' Home.** A design-build process is authorized for repairing or rebuilding the Home, subject to standards stated in this bill. The process will be exempt from many requirements of the Illinois Procurement Code (S.B. 3128, Haine-T.Cullerton-Castro-Tracy-Schimpf et al.—Currie-Chapa LaVia-McSweeney-Kifowit-Costello et al.).

**Route 66 Centennial.** A 20-member commission will promote events and activities leading to the 2026 centennial of the creation of U.S. Route 66 (H.B. 66, Butler-Walsh-Moylan-Bourne-Stratton et al.—Althoff et al.).

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**Service Member Compensation and Re-employment.** Provisions are enacted to replace several existing protections of members of the military called to active duty while working for public employers. The Attorney General is to hire a lawyer as an advocate for military members under the new act (S.B. 3547, T.Cullerton-N.Anderson-Connelly—Chapa LaVia-Hoffman et al.).

**Severance Pay.** Employment contracts of state, higher education, and local units of government that include provisions for severance pay must limit it to 20 weeks' pay, and deny it to anyone fired for misconduct (as defined) (S.B. 3604, T.Cullerton-J.Morrison-Bush-Cunningham-McConchie et al.—Kifowit-McSweeney-Jesiel-Sente-Hurley et al.).

**Sexual Harassment.** *Hush money.* Using public funds to pay for silence or inaction regarding an allegation of sexual harassment is made explicitly illegal (H.B. 4243, McSweeney-Skillicorn-Moylan-Ammons et al.—T.Cullerton-Bush-J.Morrison-Manar-McConnaughay et al.).

*Sexual harassment; ethics; discrimination charges.* If an Executive Inspector General recommends that an executive agency take action on a complaint, but the agency does not reply within 20 days, the IG may file a complaint with the Executive Ethics Commission. The Executive Ethics Commission may de-register a lobbyist or lobbying firm for up

to 3 years for violating the ban on sexual harassment or failing to cooperate with the Secretary of State's IG. The Secretary of State's IG, through the Attorney General, can file pleadings with the Executive Ethics Commission alleging sexual harassment.

If a Legislative Ethics Commission member is prevented by personal interest from participating in a matter, the appointing authority is to appoint a temporary replacement for that matter. No one may remain on the Commission while running for federal, statewide, or judicial office. The Commission's authority is extended to cover former legislators and legislative employees. It may develop training on sexual harassment, employment discrimination, and workplace civility in lieu of or in addition to the sexual harassment training already required.

Each Legislative IG's term will be 5 years whether or not the office is filled throughout that time. The Legislative IG may not engage in any other business, profession, or vocation. The Legislative Ethics Commission is to name an Acting Legislative IG within 45 days after a vacancy occurs in the office. A four-person search committee, with one member appointed by each top legislative leader, is to recommend candidates for Legislative IG this year and whenever a vacancy occurs in that office. If a vacancy is not filled and there is no Acting Legislative IG, the

IG's staff or the Commission's Executive Director will advise the Commission on the status of allegations and complaints. Starting next year, if there is a vacancy of at least 6 months, the Auditor General's IG will act as Legislative IG. The Legislative IG, acting through the Attorney General, can file a complaint on any allegation dating from December 2014 through November 3, 2017 that is determined to be founded, and the Commission can hold hearings on such complaints if notified within a time limit set by this law. Any Legislative IG's summary report on an apparent violation must be sent to the legislator (if any) who is the subject of the report for a response in writing. The Legislative IG may investigate sexual harassment complaints without Commission approval.

Monthly reports by Executive and Legislative IGs are to report numbers of allegations; investigations begun, pending, or concluded; actions filed with the Commission; and allegations referred to law enforcement or other investigative bodies—divided into categories including discrimination, sexual harassment, other harassment, prohibited political activities, and gift ban violations among others. The Legislative Ethics Commission is to report to the General Assembly quarterly on how many reports the Legislative IG asked to be published, or closed without such requests; how many the Commission agreed or did not agree to publish; and how many

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## STATE GOVERNMENT & PENSIONS

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investigations the IG asked to open and how many the Commission did not allow. An Executive or Legislative IG may notify complainants and subjects of complaints of the status of investigations.

Each established political party's central committee is to have a policy prohibiting "discrimination and harassment" (other than considering political affiliation in employment).

An alleged victim of a civil rights violation has 300 calendar days (formerly 180 days) to file a charge with the Department of Human Rights (H.B. 138, Currie-Jimenez-K.Stuart et al.—Bush-Tracy-Lightford-McConnaughay-Steans et al.).

*State procurement and EDGE.* Each bidder on a state contract must have a sexual harassment policy complying with the Human Rights Act. Anyone proposing an Economic Development for a Growing Economy project, or claiming an EDGE credit, must report annually on its sexual harassment policy (S.B. 405, Hutchinson-Bush et al.—Feigenholtz-Kifowit-Ammons et al.).

### **State Agency Employee Safety.**

The Department of Children and Family Services; Department of Corrections; and Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities)

must report quarterly to the General Assembly on attacks on their employees. They may not retaliate against employees for reporting such attacks (S.B. 3075, Hastings-J.Morrison-Fowler-McConnaughay et al.—Halpin-Costello-Walsh-T.Bennett-Wallace et al.).

**State Jobs.** The Department of Central Management Services must locate in Sangamon County state employment positions that are under both the Governor and the Personnel Code, and that do not have specific reasons to be located elsewhere (H.B. 4295, Jimenez-Scherer et al.—B.Brady-Manar).

**State Police Employees and Marijuana.** Testing positive for cannabis products will not cause a State Police employee to be fired automatically, but becomes a permissive ground for discharge (S.B. 3136, J.Cullerton-Van Pelt-Martinez—Currie-Cabello-Cassidy-S.Andersson-Butler).

**State Procurement.** State chief procurement officers are to issue rules favoring small businesses in historically underused business zones ("HUBZones") designated under federal law, except in contracts related to construction (S.B. 2675, Fowler-Stadelman—Phelps Finnie-Conyears-Ervin-Greenwood-Bryant et al.).

**State Treasurer.** *Buying preferences.* The State Treasurer is directed to prefer businesses owned by veterans, members of minority groups, women, and persons with disabilities in buying goods and

services, with a goal of having such firms manage 25% or more of funds managed by the Treasurer (S.B. 2363, Clayborne-Collins et al.—Davis-Ammons-Turner).

*Fees and funds.* The State Treasurer may charge fees for investing or keeping funds paid in by local officials. Such fees may not exceed \$12 million plus required pension and group insurance contributions. Proceeds of the fees are subject to appropriation (S.B. 2857, Steans-Van Pelt—Evans).

*Technology development.* The State Treasurer is directed to earmark an initial amount of up to 5% of the Treasurer's state investment portfolio for investing venture capital in Illinois-based technology businesses (S.B. 3205, Harmon-Van Pelt-Martinez—Connor-McSweeney-Moeller-Manley-Carroll et al.).

### **State Treasury Funds Use.**

Whenever the Comptroller has at least \$1 billion in unpaid bills, the Treasurer may invest state treasury funds in the Comptroller's office (with some exceptions) to provide funds to pay the bills. Such investments may not total more than \$2 billion at any time (S.B. 2858, Steans-Van Pelt-T.Cullerton-Hunter-J.Morrison et al.—G.Harris-D.Harris-Pritchard-Kifowit-Batinick et al.).

**State Vendor Payments.** The Vendor Payment Program, established by the Department of Central Management Services to enable lenders to 'front' money to pay state bills, is codified with

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some additional requirements imposed on the lenders (S.B. 3560, Aquino-Murphy-Van Pelt-Bush-Martinez et al.—Connor-Flowers-Chapa LaVia-Kifowit et al.).

**Voting in Jail or After Prison.** Local election authorities are to facilitate voting by mail by persons held in jail before trial. Persons released from jail or prison must be given voter registration applications (H.B. 4469, Stratton-C.Mitchell-Cassidy-Gordon-Booth-Harper et al.—Aquino-Collins-Van Pelt-Raoul-S.Bennett et al.).

**Voting Security.** Every 2 years, each election authority must report to the State Board of Elections, and online, on the age and functioning of its voting equipment and the costs of new equipment. The State Board is to establish a program to help election authorities resist cyberbreaches, using at least half of its Help America Vote Act funds for that purpose. Restrictions are placed on use of privately rented post office boxes to collect applications to vote by mail (S.B. 2651, Link—Tabares-Chapa LaVia-Andrade-Conroy et al.).

(H.B. 3342, art. 5, sec. 5-5 has provisions on cybersecurity in voting that are very similar to this bill's provisions on that topic.)

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## **SOCIAL SERVICES**

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providers under local plans developed among police, treatment providers, and community organizations. The Illinois Criminal Justice Information Authority is to specify data to be collected from these programs and ways to measure their performance (S.B. 3023, Bush-Bivins-Althoff-Castro-McConchie et al.—Evans-Mussman-Demmer-Sauer-Bellock et al.).

**Tuition Waivers.** Eligible youth not chosen for DCFS's college scholarship and fee waiver program will receive college tuition and fee waivers if they (1) are state wards, (2) age out of care at 18 or older, or (3) were under care and then were under adoption assistance or subsidized guardianship. They must enroll before age 26. Public colleges and universities must waive tuition and fees owed after federal or state grants, for the first 5 years of enrollment, if the student makes satisfactory progress (H.B. 5122, Welch-S. Andersson-Chapa LaVia-Davis-Fine et al.—Castro-Collins et al.).

**Wards' Personal Documents.** DCFS must help youths who are wards of the court get identification documents and compile personal records before terminating their wardships (H.B. 4887, Cassidy-Williams-Sauer et al.—J.Morrison).

**Work and Family Support.** If non-state funds are available, a 5-year demonstration project will be created in the Department of Human Services for (1) intensive workforce training for entry-level workers and (2) support services to families. Up to 500 participants may be enrolled at one time. A nonprofit organization outside Cook County will run the project and report annually. Wages earned by participants will not affect eligibility for public aid (except some TANF and SNAP programs) for 36 months (S.B. 3232, Rose-S.Bennett—Hays-Ammons-Wallace-Bellock et al.).

**Youth Services Spending.** Subject to appropriation, the Governor will appoint a 15-member commission to categorize state budget items that affect adolescents into 6 listed youth development goals and 4 service models, and analyze state spending in those categories. It will also monitor relevant bills, laws, and programs, and help agencies develop opportunities for adolescents (H.B. 5202, Ford-Stratton-Harper et al.—Lightford-Van Pelt-McConnaughay-Collins-Hunter et al.).

*Samuel Miller*  
*Research Associate*

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# TRANSPORTATION

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Legislators voted to require rear-facing child restraint systems for children under 2 (except those exceeding a stated height or weight). Other bills that passed both houses declared regulating unmanned aircraft to be a state power (exempting Chicago ordinances); allow 2-year registration for some vehicles starting in 2021; and eliminate State Police authority for nonscheduled emissions testing of diesel vehicles.

**Child Restraint Systems.** Starting next January, a child under age 2 transported in a motor vehicle must be in a rear-facing child restraint system—unless the child weighs 40+ pounds or is 40+ inches tall (H.B. 4377, Welch-Unes-D’Amico-McAuliffe-D. Harris et al.—Hastings-McCann-Mulroe-Link-Collins et al.).

**Diesel Vehicle Emissions Inspections.** Authority for nonscheduled State Police emissions testing of diesel vehicles is repealed. The Department of Transportation will continue doing annual testing (S.B. 1008, Althoff-Tracy et al.—Parkhurst-Davis-Bellock et al.).

**Driving With No License.** Driving if one’s license was suspended or revoked for not paying child support, abusing visitation privileges, or failing to pay parking or automated traffic system fines will bring a traffic citation (normally punishable as a Class A misdemeanor). After three citations without paying fines for them, the offense will be a Class A misdemeanor (H.B. 3920, Ford-Skillicorn-Ammons-Wallace-Breen et al.—Lightford-Collins-Van Pelt-Hunter et al.).

**Drone Aircraft.** To the extent consistent with federal laws and regulations, the state declares that regulating unmanned aircraft is an exclusive power of the state—except that any Chicago ordinance on the subject is exempt. The Illinois Department of Transportation’s Division of Aeronautics may adopt rules for safe and legal operation of such aircraft (S.B. 3291, Clayborne et al.—Evans-Wehrli-K.Wheeler et al.).

**Farm Vehicles.** Owners of Second Division vehicles up to 8,000 pounds can pay \$10 extra for “covered farm vehicle” designation (S.B. 3241, Bertino-Tarrant et al.—Evans-Meier-Costello-Phelps Finnie-Bristow et al.).

**Multi-Year Registration; Insurance Coverage.** Starting in 2021, First Division and some Second Division vehicles can be registered for 2 years for double the 1-year fee, and trailers can be registered for up to 5 years at the same rate per year as the 1-year fee. Owners of for-hire vehicles and medical transport vehicles are to submit a form attesting to minimum liability insurance coverage, in lieu of filing the insur-



ance policy with the Secretary of State (H.B. 4259, Batinick-Martwick-Wehrli-Sauer—McConchie-Althoff et al.).

**New License Plates.** The Secretary of State may issue to eligible persons Combat Action Ribbon and Combat Action Badge license plates (H.B. 4576, Hoffman—T. Cullerton-Castro), and Operation Desert Shield/Desert Storm license plates (S.B. 2225, Rezin et al.—Long-Costello-Swanson-D. Harris-Meier et al.).

**School Buses** are to use their stop signal arms and flashing lights when transporting persons up to age 18, whether or not for school-related activities (S.B. 2482, J.Morrison—Carroll).

**Tollway Authority.** The Toll Highway Authority board must post online and at its headquarters an agenda at least 2 days before each meeting. Agendas must include details on contracts over \$100,000 that may be approved at the meeting (S.B. 2291, McConchie-McConnaughay-Althoff et al.—Breen-Riley-Moylan et al.).

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## LOCAL GOVERNMENT

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revisions by 2021. The Board is to conduct or approve training programs on recognizing special sensitivities of such victims (H.B. 5203, Davis-Mayfield-Flowers-Ammons et al.—Hutchinson-Castro-Bush et al.).

**Recorders' Fees.** By 2020, Cook County must adopt a “predictable” fee schedule with no surcharges for individual attributes of standard documents recorded (pages, numbers of legal descriptions or tax ID numbers, etc.) unless specifically allowed by this act. The minimum fee to record any of the major types of documents will be \$29 (H.B. 4765, Turner—Aquino).

**Severance Agreements.** A local government that severs its ties with an employee or contractor for sexual harassment or sex discrimination must post details of the severance agreement on its website and make them available

to the media within 72 hours. The information may be withheld if it would interfere with law enforcement or other legal proceedings; result in unauthorized disclosure of a complainant’s identity; or endanger a complainant (H.B. 4242, McSweeney-Moylan-T.Morrison-Batinick-Sauer et al.—T.Cullerton-Bush-Connelly-Manar-Murphy et al.).

**Small Wireless Facilities.** A new act provides for regulation of small wireless facilities (antennas attached to existing structures, such as utility poles, in lieu of cell towers) by local governments (except Chicago). They may require applications, issue permits, and charge fees for such facilities under detailed restrictions in the act; applications meeting the act’s requirements must be approved. Such facilities will not generally be subject to zoning review or approval (S.B. 1451, Link-Cunningham-Trotter-J.Cullerton et al.—K.Burke-Breen-Fortner-Crespo-Martwick et al.).

**Ticket Quotas.** The Chicago Police Department no longer may require officers to meet ticket quotas (S.B. 3509, Cunningham-Aquino-Martinez-Manar et al.—Hurley-Martwick-Welch-Costello-Andrade et al.).

**Urban Farming.** A qualified farmer (to be defined, but to include new, small, and disadvantaged farmers) or nonprofit organization aiding such farmers may ask a municipality to create an Urban Agricultural Area. A five-member committee will hold a public hearing before designating the area. Any such area is to be reviewed every 5 years and dissolved after 25 years. Farmers in such areas may get property tax abatements and discounted utility rates or connection charges; TIF funds may be used to develop the areas (H.B. 3418, Harper-Evans-Wallace-Stratton-Ammons et al.—Hunter et al.).

*Alexis Dawson  
Research Associate*

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## ABSTRACTS OF REPORTS REQUIRED TO BE FILED WITH GENERAL ASSEMBLY

The Legislative Research Unit staff is required to prepare abstracts of reports required to be filed with the General Assembly. Legislators may receive copies of entire reports by sending the enclosed form to the State Government Report Distribution Center at the Illinois State Library. Abstracts are published quarterly. Legislators who wish to receive them more often may contact the executive director.

### Public Health Dept.

*Opioid overdose semiannual report, 2017-2018*

Provisional data showed opioid deaths up from 1,382 in 2015 to 1,946 in 2016. These included deaths due to heroin and opioid analgesics (the latter causing much of the increase). Chicago opioid-related deaths rose 270%, from 111 in 2015 to 411 in 2016. Based

on incomplete data, 2017 had further increases. Also includes information on opioid-related hospitalizations and ER visits. (210 ILCS 85/6.14g(d); undated, rec'd Jan. 2018, 10 pp.)

### Social Security Number Protection Task Force Report, 2017

Examines state procedures to avoid [http://www.ilga.gov/commission/lru/lru\\_home.html](http://www.ilga.gov/commission/lru/lru_home.html)

unauthorized release of Social Security numbers, and ways to substitute other numbers for state use. Discusses H.B. 4095 [now P.A. 100-589], barring credit reporting agencies from charging Illinois residents to place, thaw, or remove security freezes on their credit. Task

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## BILLS WITH GOVERNOR'S ACTION

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

AV Amendatorily vetoed  
 AVD Amendatorily vetoed; bill dead  
 IV Item and/or reduction vetoed  
 V Totally vetoed

Information on all 2018 bills and Public Acts, including their texts, is available at: <http://www.ilga.gov>  
 Click on the "Bills & Resolutions" or "Public Acts" link near the top of the page for information on a given bill or Public Act. Information on the General Assembly's workload over the years can be found at the LRU's webpage.

H.B.	Public Act 100-	S.B.	Public Act 100-						
66	649	4346	634	4870	660	5636	694	20	
109	586	4377	672	4883	642	5686	695	34	
138	588	4392	749	4887	680	5689		35	
1262		4415	594	4888		5696		193	V
1338	612	4442		4897	816	5741		211	
1447	744	4469		4908		5745	696	336	
1464	630	4515		4922	V	5750		405	698
1468	AVD	4516		4949		5752		456	
1671	666	4572		4953	762	5771	819	457	
2222	746	4576	812	4965		5784		486	781
2354	607	4594		5020	823	5814		544	
2617		4643		5104		5868		558	597
2624		4657		5109				1008	700
2723		4658		5111	767			1437	
3342	587	4665	754	5121	655			1451	585
3418		4684		5122				1573	580
3784		4707		5137	769			1707	
3920		4710		5195				1737	
4095	589	4736		5201				1773	581
4096		4741	677	5202	818			1829	645
4100		4742	813	5203				1851	646
4146		4743		5245	775			2225	820
4208		4765		5267	690			2271	
4242		4771		5317				2289	
4243	748	4781		5351				2291	
4259		4783	638	5481				2297	
4275	658	4790		5494	692			2298	
4278	632	4811		5513	647			2313	787
4284		4822		5544				2328	
4290		4843		5547				2330	788
4295	742	4855		5611	611			2332	
4309		4867	659	5627	596			2341	789

S.B.	Public Act 100-								
2350		2560		2858		3052		3443	809
2354	824	2572		2866	741	3075		3466	810
2363		2591	598	2877		3103		3489	
2378		2598		2891		3106	801	3503	
2386		2620	711	2892		3109		3509	
2424		2628		2904	605	3128	610	3527	629
2428		2631		2925		3136		3532	
2432		2641		2927		3205		3547	
2436	663	2651	623	2939		3214		3560	
2439		2662		2951		3223	733	3604	
2481		2675		2954	624	3232	806		
2482	791	2713	798	2996	723	3241	734		
2522		2777		2999		3261			
2524		2838		3015	726	3263	808		
2540		2844		3022		3285			
2546		2853		3023		3291	735		
2559		2857		3031	729	3404			

### Types of Actions Governor Can Take on Bills

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

#### Total Veto

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

#### Amendatory Veto

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

#### Item and Reduction Vetoes

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



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RETURN SERVICE REQUESTED

**ABSTRACTS OF  
 REPORTS REQUIRED  
 TO BE FILED WITH  
 GENERAL ASSEMBLY**

*(continued from p. 33)*

Force also monitors federal personal information security proposals. It awaits several appointments and/or confirmations. (20 ILCS 4040/10(c); Dec. 2017, rec'd Jan. 2018, 7 pp. + 4 appendices)

**State Board of Education**

*Educator supply and demand, 2017*  
 Illinois issued 26,845 new teaching certificates in 2017 (4% fewer than in 2016). The retention rate in 2017 was 93%. Unfilled jobs (mainly school support jobs) rose almost 8% from 2016 to 2017. K-12 enrollment is expected to drop through 2020. Greatest needs through 2020 are

for regular, special education, bilingual, and ESL teachers; paraprofessionals; principals; school counselors and social workers; and speech-language pathologists. (105 ILCS 5/2-3.11c; issued & rec'd Feb. 2018, 24 pp. + appendices)

**State Police Dept.**

*Court decisions on FOID cards, 2017*  
 Department received 34 decisions from courts on its denials of Firearm Owners' Identification (FOID) cards: 21 were upheld and 5 reversed. Department agreed to issue FOID cards in 8 other cases. (430 ILCS 65/11; Feb. 2018, rec'd March 2018, 6 pp.)

**First Reading**

A publication of the Legislative Research Unit

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