



# Senate Floor Reports

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## Bills that passed the Senate May 24, 2018

**Human Rights Commission (SB 20):** Makes several changes to the Human Rights Commission. DHR will cease an investigation if a civil action has been filed in circuit court. Changes the requirement of a case being filed with the Department to be within 300 days after the alleged civil rights violation has occurred (currently 180 days). At any time up to 60 days of filing a charge with the Department, an individual has the right to submit a written request from the complainant indicating they have opted out of the investigation and are choosing to commence a civil action.

The Human Rights Commission will consist of seven full-time members (currently, 13). No more than four members shall be of the same party (currently, seven). The Chairperson of the Commission will be paid \$125,000 per year (currently, \$52,200) and each Chairperson will be paid \$119,000 per year (currently, \$47,000). Each commissioner is given authority to hire and supervise a staff attorney. That staff attorney will report directly to that individual commissioner.

Each commissioner will devote their full time to their duties and a commissioner who is an attorney will not engage in the practice of law. All members are prohibited from holding an elected office or position of profit, or hold any other job. Commissioners must now publish a decision within 180 days of the decision.

Decisions of the Commission must be made available on the Commission's website and online research databases within 14 calendar days after publication by the Commission (currently, within 120 days of publishing decisions).

**Meal Exemption for EMS (SB 200):** Amends the One Day Rest in Seven Act. Excludes, from provisions of the Act concerning meal periods, individuals licensed under the Emergency Medical Services (EMS) Systems Act who are required to be on-call.

## House bills that passed the Senate

**Tax Workaround (HB 4237):** Proposes a workaround of the newly enacted State and Local Taxes (SALT) cap of \$10,000 in the federal tax code. Requires counties to first authorize the ability of local units to establish charitable funds by ordinance or resolution. Then, local units (only school districts, municipalities and counties) would be able to establish individual charitable funds by ordinance or resolution. The local units' charitable funds would allow donations and those donations would provide a similar state tax credit.

**State Employee Job Location (HB 4295):** Requires the Director of CMS to direct the relocation of all State employment positions and direct all new State employment positions under the Personnel Code to Sangamon County, who are not required by their nature or function to be located in a specific geographic area. Also, requires the Director to determine a geographic location for each State employment position and, if it is other than Sangamon County, the reason for it to be in that geographic location.

**Veteran ID Designation (HB 4332):** Amends the Illinois Identification Card Act. Provides that, for purposes of issuing an identification card with a veteran designation under the Act, the acceptable forms of proof an applicant includes: a Department of Defense form DD-2 (Retired), an identification card issued under the federal Veterans Identification Card Act of 2015, or a United States Department of Veterans Affairs summary of benefits letter.

**Pension Board Staff Racial Makeup (HB 4412):** Provides that a pension board in Illinois shall make its best efforts to ensure that the racial and ethnic makeup of the System's senior administrative staff represents the racial and ethnic makeup of the System's membership.

**MCO Pharmacists to View the PMP (HB 4650):** Modifies a provision allowing pharmacists to authorize a designee to consult the Prescription Monitoring Program on their behalf, defines



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“pharmacist” to include a pharmacist employed and designated by a Medicaid MCO under contract with HFS for the purpose of clinical review of services provided to enrollees.

**Emotional Intelligence (HB 4657):** Creates the Emotional Intelligence and Social and Emotional Learning Task Force to develop curriculum and assessment guidelines and best practices on emotional intelligence and social and emotional learning.

**Third-Party Sub Teacher (HB 4742):** Requires the State Board of Education to implement a program to allow school districts to use recruiting firms to find substitute teachers.

**Align License Renewal Dates (HB 4746):** Amends the Consumer Installment Loan Act by moving the date of renewal for a license from Dec. 15 to Dec. 1. Amends the Payday Loan Reform Act by changing the date of renewal for a license from Dec. 31 to Dec. 1.

**Bright Start 529 Plan (HB 4751):** Makes changes to Illinois’ “Bright Start/Bright Directions,” enlarging the program and modifying aspects of it in partial conformity with the nationwide policy changes enacted in the federal Tax Cuts and Jobs Act (TCJA) in December 2017. The bill also adds language relevant to transfers of funds from 529 accounts to ABLE accounts, rollovers between accounts within the College Savings Pool, and payouts resulting from the beneficiary’s death or disability.

**Tourism Funds (HB 4757):** Provides that with regard to a grant program for local tourism and convention bureaus, the Department of Commerce and Economic Opportunity may reserve up to 3 percent (rather than 10 percent) of total local tourism funds available for costs of administering the program to conduct audits of grants, to provide incentive funds to those bureaus that will conduct promotional activities designed to further the Department’s statewide advertising campaign, to fund special statewide promotional activities, and to fund promotional activities that support an increased use of the State’s parks or historic sites.

**School Board Member Oath (HB 4768):** Adds numerous requirements to the oath sworn by school board members when taking office.

**Medicaid Long-Term Care Eligibility (HB 4771):** Provides: provisional eligibility for Medicaid long-term care applicants who have not received final determination within the timelines set by the federal government; passive redeterminations/renewals for Medicaid long-term care beneficiaries; a case-worker based processing system within six months; and a cap on eligibility denials for Medicaid long-term care applicants.

**Compost-Amended Soil in Construction Projects (HB 4790):** Provides that any State agency that undertakes a landscaping project that requires the use of new or offsite soil for landscape-related use and that is located within 10 miles of any Illinois Environmental Protection Agency-permitted compost facility shall request a base bid with an alternative for compost-amended soil for that project.

**Pedestrian & Bike Safety (HB 4799):** Requires districts to educate students of traffic safety for walking and biking.

**Chicago Municipal Pension (HB 4811):** Amends the Chicago Municipal article of the Pension Code to stipulate that the physical examination to prove disability may occur at a longer interval of time as determined by the fund’s board of trustees, rather than every year. Additionally, makes numerous technical changes to the Chicago Municipal and Laborers’ Pension Funds.

**Stage 4 Cancer Drugs (HB 4821):** Prohibits insurers from limiting or excluding coverage for a drug used to treat stage 4, metastatic cancer by requiring an insured to first try to successfully respond to another drug or prove history of failure to the drug.

**Local Government Electronic Notification Act (HB 4822):** Creates the Local Government Electronic Notification Act. Allows a unit of local government to establish a process to allow people to select electronic notifications through an electronic



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notification delivery system for governmental mailings that are being sent by United States mail.

**Ivory Ban Act (HB 4843):** Bans the import and sale of most ivory and ivory products in Illinois; exempts antique guns and knives that are over 100 years old, and also exempts musical instruments containing ivory that were produced before 1975. Allows the Department of Natural Resources to set rules for allowing the sale or transfer of ivory if it is for educational or scientific purposes.

**Medical Records for Homeless Vets (HB 4848):** Mandates that health-care facilities and practitioners provide a free copy of a homeless veteran's medical records if the records are being requested by either the veteran or an authorized person, entity, or organization for the purpose of supporting a claim for veterans' disability benefits.

**Illinois Department of Military Affairs (HB 4849):** Intends to ensure that the IDMA is within full compliance of the Master Cooperative Construction Agreement and federal fiscal law as it pertains to the distribution of funds for the purposes of capital improvements and rehabilitation construction costs. Provides that all moneys received from the transfer or exchange of any realty under the control of the Department of Military Affairs, and all funds received from the federal government under terms of the federal Master Cooperative Agreement related to constructing and maintaining real property between the Department and the United States Property and Fiscal Officer for Illinois shall be deposited into the Illinois National Guard Construction Fund. States the moneys in the fund shall be used exclusively by the Adjutant General for rehabilitating existing facilities and other capital improvements. Removes the provision that expenditures from the fund shall be subject to written release by the Governor.

**FOID Renewal and Suspension (HB 4855):** Allows ISP by rule to suspend a FOID card for the

duration of a disqualification rather than having to permanently revoke the FOID card as long as the disqualification is not a permanent grounds for revocation like felony conviction, domestic violence, etc. Also, clarifies the definition of "patient" in the FOID Card Act so hospitals and mental health facilities have a better idea as to what should be reported to DHS and ultimately ISP.

**Learning Days Program (HB 4860):** Makes the e-learning pilot program permanent.

**State Long Term Care Ombudsman Technical Change (HB 4879):** Amends the Illinois Power of Attorney Act. Adds the words "a representative of the Office of" to the statute to allow a representative of the Office of the State Long Term Ombudsman fulfill the duties of the Office under the Act.

**Prescription Monitoring Program (HB 4907):** Amends the Illinois Controlled Substances Act. Specifies that licensed prescribers may designate a non-licensed individual to check the Prescription Monitoring Program (PMP) database. Pharmacists, however, must designate a licensed designee. Adds a dentist to the PMP peer-review subcommittee.

**CPS Teacher Evaluations (HB 4927):** Requires CPS to provide all copies of teacher evaluations to the Chicago Teachers Union within seven days after issuing the evaluations.

**US Armed Forces Mental Health Professionals as Licensed Mental Health Professionals (HB 4936):** Requires the Department of Human Services (DHS) to adopt rules to allow a person who has completed a psychiatric training program certification from the United States Armed Forces with at least one year of experience in a mental health setting to be recognized as a mental health professional for programs authorized or funded by DHS under the direction of a licensed mental health professional.

**Vehicle Safety Test (HB 4944):** Provides that property carrying vehicles weighing 10,000



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pounds to 26,000 pounds be subject to a safety test at an official testing station at least every 12 months, rather than six months.

**CCAP Redetermination Change to 12 Months (HB 4965):** Provides a family's eligibility for the Department of Human Services Child Care Assistance Program shall be re-determined, no sooner than 12 months following the most recent determination, instead of every six months. During the 12-month period, the family shall remain eligible for child care services regardless of a change in family income that does not exceed 85 percent of state median income or a temporary change in work or job training status.

**Advisory Board of Livestock Commissioners (HB 4999):** Provides that the Advisory Board of Livestock Commissioners will hold an annual meeting (rather than semiannual meeting).

**Juvenile Justice Teachers Licensure (HB 5005):** Provides that CMS is not required to verify the license of a teacher employed by the Department of Juvenile Justice if the license is verified by the State Board of Education.

**Food Handling Regulations (HB 5011):** Specifies that a food-service sanitation manager certificate issued prior to Jan. 1, 2018, will remain valid until its expiration date.

**State Salary and Annuity Withholding (HB 5019):** Allows an employee or annuitant may authorize the withholding of a portion of his or her salary, wages, or annuity, among other purposes, for investment purchases made as a participant or contributor to qualified tuition programs and qualified ABLE programs (rather than College Savings Programs) established under the Internal Revenue Code.

**Higher Education Records (HB 5021): Provides that,** in the event an institution of higher education proposes to discontinue its operations, the chief administrative officer of the institution shall submit a plan to the Board of Higher Education for permanent retention of all academic records of the institution

**IDNR's User Advisory Committee (HB 5027):** Repeals the provisions calling for a User Advisory Committee within the Illinois Geographic Information Council, which is under the Illinois Department of Natural Resources.

**Cat/Dog Breeder Classification (HB 5029):** Provides that those persons who have in their possession 5 female cats or dogs capable of reproduction will be classified as a dog breeder or cat breeder, rather than a kennel operator.

**HS Statutory Clean-up (HB 5031):** Repeals the statutory language for the Cross-agency prequalification and master service agreements. The requirements that remained in this repealed section of statute conflict with the requirements of the Grant Accountability and Transparency Act (GATA) and are no longer required.

**SOS Clean-up (HB 5056):** Advances various changes suggested by the Secretary of State to improve existing law and to clean up areas of the Illinois Vehicle Code: Provides that the owner of a junk vehicle is not required to surrender the vehicle's certificate of title under certain circumstances. Allows SOS to alternate numeric and alpha characters on specialty plates to increase the issuance of certain plates without redesigning/issuing plates. Permits funeral home plates to be personalized. States any first division vehicle that has a gross weight of 8,000 pounds or more and is used for commercial purpose shall be subject to inspection by IDOT.

**ISP Civilian Employee Permissions (HB 5057):** Allows civilian employees of ISP to write tickets pertaining to excess size and weight permits.

**End Stage Renal Disease (HB 5069):** Repeals the End Stage Renal Disease Facility Act. Amends the Illinois Health Facilities Planning Act, State Finance Act, and Alzheimer's disease and Related Dementias Services Act to make corresponding changes. HCA 1 In the definitions provisions of the Illinois Health Facilities Planning Act, provides that "health care facilities" means and includes kidney disease treatment centers, including a free-standing hemodialysis unit required to meet the requirements of 42 CFR 494 in order to be certified for participation in Medicare and



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Medicaid under Titles XVIII and XIX of the federal Social Security Act. Makes a corresponding change. In provisions of the Illinois Health Facilities Planning Act concerning the investigation of applications for permits and certificates of recognition, provides that among the reports to be required by the Health Facilities and Services Review Board are facility questionnaires for health care facilities that meet the requirements of 42 CFR 494 in order to be certified for participation in Medicare and Medicaid under Titles XVIII and XIX of the federal Social Security Act.

**Inmate Co-Pay for Medical/Dental Services (HB 5104):** Provides that neither DJJ, nor DOC may charge inmates/committed persons a co-payment for medical or dental services.

**TRS/SURS Defined Contribution (HB 5137):** Allows TRS and SURS to create an optional Defined Contribution (DC) plan as soon as practical after the effective date of the legislation so that any active members who wish to choose the DC plan can participate in the DC plan. Under the DC plan, employee and employer contributions would be collected into an account to be invested.

**Currency Exchange Closure Fee Returns (HB 5141):** Provides that within one year (rather than three years) after the Secretary of Financial and Professional Regulation's first published notice in a local newspaper regarding a community currency exchange filing for termination, the owners of the debts, liabilities, and lawful demands against such community currency exchange will be redeemed by the Secretary on demand in writing.

**Sex Education Instruction (HB 5148):** Requires that sex education course material and instruction must include, with an emphasis on the workplace environment and life on a college campus, discussion on what constitutes sexual consent and what may be considered sexual harassment or assault.

**Healthcare Surrogate for Youth in Care (HB 5157):** States that in situations where the court

has appointed a temporary guardian for an abused or neglected minor, allows the court to also give the custodian the authority to serve as a surrogate decision maker for the minor under the Health Care Surrogate Act.

**Teacher Salary (HB 5175):** Creates minimum wage for teachers of \$40,000 per year.

**Foreclosure Sales (HB 5176):** Provides that the required Cook County newspaper advertisement for foreclosure related sales be published in a newspaper different from the paper used for the legal notice of the same property and be published in newspaper that is itself published in the township in which the real estate is located.

**Service Credit Reconsideration (HB 5177):** Amends the Chicago Police Article of the Illinois Pension Code. In provisions concerning the establishment of credit for other service, provides that notwithstanding any other provision of law, the board shall reconsider an application for credit for performing specified safety or investigatory work that was submitted before April 1, 2008, and was denied.

**Transportation Hazard (HB 5195):** Provides that school districts may provide free transportation for any pupil residing 1.5 miles from school, when conditions are such that walking constitutes a serious hazard to the safety of the pupil due a course or pattern of criminal activity.

**Police Training Standards Changes (HB 5203):** Codifies current training already being conducted for law enforcement officers concerning sexual assault and sexual abuse. As well as, removes the 40-hour training and adds to the list of topics for trauma-informed responses and investigations of sexual assault and sexual abuse the recognizing special sensitivities of victims due to: age, including those younger than age 13; gender; or other qualifications. Also, adds "age sensitive" to the evidence-based curriculum standards to the training requirements for courses for police.

**Physical Therapy Licensure (HB 5212):** Streamlines the "Licensure through Endorsement" process for certain out-of-state



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occupational therapists and physical therapists seeking to practice in Illinois by providing a less cumbersome pathway to licensure without reducing public safety.

**Paramedics and Fire Fighters in PEDAs (HB 5221):**

Includes full-time paramedics and fire fighters who perform paramedic duties in the definition of eligible employee under the Public Employee Disability Act. The PEDAs are a one year benefit that entitles those with "line of duty" injuries who can't work their full pay, no reduction in pension credits or sick leave accumulation.

**Brownfields Redevelopment Fund Name (HB 5242):**

Corrects an erroneous name of a fund from the South Suburban Increment Fund to the South Suburban Brownfields Redevelopment Fund in two locations throughout the Illinois Brownfields Redevelopment and Intermodal Promotion Act. Also clarifies that the Managing Partner's authority is subject to the laws and rules of the State and the government of Cook County.

**Crime of Violence (HB 5267):** Provides that "crime of violence" includes: posting identifying or graphic information on a pornographic Internet site or possessing graphic information with pornographic material; and non-consensual dissemination of private sexual images. Specifies that "pecuniary loss" means appropriate expenses (instead of expenditures) for psychiatric care or counseling. Provides that a law enforcement agency within this State shall, within 15 days of receipt of a written request, provide the Attorney General's office with the law enforcement agency's full written report of the investigation of the crime for which an application for compensation has been filed.

**Registry for Recovery Residences (HB 5288):**

Requires DHS to develop and maintain an online registry that is available to the public for recovery residences that operate in Illinois to serve as a referral resource for individuals seeking continued recovery assistance. Encourages non-licensed recovery residences to register with DHS.

**Cook County Sheriff Merit Board (HB 5303):**

Allows the Cook County Sheriff to take disciplinary measures prescribed by the Merit Board for infractions by officers for all discipline less than termination (instead of just suspensions less than 30 days). Also makes the following changes: Provides for a hearing of the Merit Board or a Hearing Officer, designated by the Board for cases including the termination of officers. Provides that the Hearing Officer shall make a finding of guilt, and may either remove officers or other punishment. Provides that the Board shall render its decision no later than 90 days following the conclusion of any hearings. Gives hearing officers the same ability as the Merit Board to apply to the court to order appearances.

**Increased Poaching Costs (HB 5317):** Increases the costs a person must pay the Department of Natural Resources for illegally taking various species, as part of an effort to stop illegal hunting in Illinois.

**Mandated Senior Diabetes Consultations (HB 5351):** Mandates insurance coverage for senior diabetes consultations to be given via telehealth, if the insurance carrier provides coverage for telehealth. Also amends the Public Aid Code to mandate the Illinois Department of Healthcare and Family Services to authorize senior diabetes consultations to be given in the seniors' home.

**Class Size Goals (HB 5481):** Amends the School Code to add a new section that mandates class size reporting.

**Illinois State Police Scratch-off (HB 5513):**

Beginning Jan. 1, 2019, or as soon as is practical, creates a special instant scratch-off game to benefit Illinois State Police memorials. Requires that the net revenue from the game be deposited into the Criminal Justice Information Projects Fund.

**Every Student Succeeds (HB 5588):** Advances an initiative of the State Board of Education to make various statutory changes that are required to implement Illinois' Every Student Succeeds Act (ESSA) plan.



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**Custodial Sexual Misconduct (HB 5597):**

Provides that any person employed by a law enforcement agency commits “custodial sexual misconduct” when he or she engages in any form of sexual conduct or sexual penetration with a person who is under arrest or detained.

**CCAP Eligibility Level (HB 5599):** Codifies the 185 percent FPL CCAP Eligibility Level in Statute. Regarding DHS’ Child Care Assistance Program (CCAP), beginning in FY19, the specified threshold for working families must be no less than 185 percent of the then-current federal poverty level (FPL) for each family size. Seeks to codify the current CCAP eligibility level of 185 percent FPL, so that future changes to eligibility could only be made through a change in statute and not a change in Administrative Rule. The current FPL level for CCAP eligibility is 185 percent FPL.