



2018 New Laws

Post-Partum Defense (HB 1764/PA 100-0574):

Provides that in a post-conviction hearing, the defendant must prove by preponderance of the evidence that the forcible felony was the direct result of the post-partum depression or psychosis that was undiagnosed or unable to present this evidence, and that the diagnosis was material, noncumulative to other evidence, and likely would have changed the original sentence. Provides that it is a mitigating factor in sentencing that at the time of the offense, the defendant was suffering from undiagnosed or untreated post-partum depression or psychosis that tended to excuse or justify the defendant's criminal conduct if the defendant has been diagnosed by a qualified medical person after sentencing, and the diagnoses or testimony was not used at trial.

Criminal Justice Reforms (SB 1607/PA 100-0575):

Changes language to the earned sentence credit section and the trauma recovery services provisions P.A. 99-938 which created the neighborhood Safety Act. Expands the duties of the Illinois Criminal Justice Authority to include coordinating statewide violence prevention efforts and assisting in the implementation of trauma recovery centers. Adds provisions regarding a defendant's community service hours and the supervision of a violent offenders at the time of release. Expands eligibility for discretionary sentence credits. Requires the Department of Corrections to improve upon reentry programming and requires the Victim Compensation Fund to reimburse mental health providers for services to people under the age of 18 who have suffered emotional or psychological injury due to a crime of violence.

DOC Women's Division Appointment (HB 1479/PA 100-0576): Deletes the requirement that the appointment Director of the Women's

Division of the Department of Corrections must be by and with the advice and consent of the Senate.

Advanced Practice RN Practice (SB 1322/PA 100-0577):

Amends the Nurse Practice Act. Allows advanced practice registered nurses to practice under a current collaborative agreement with a podiatric physician until the agreement terminates. The provision only applies to existing written collaborative agreements. This is a trailer bill the Nurse Practice Act extension bill (HB 313), which eliminated the need for advanced practice registered nurses to practice under a written collaborative agreement with physicians.

Education Funding Reform (SB 444/PA 100-0578):

Makes two technical changes to the newly-enacted evidence-based school funding legislation which have to do with how Equalized Assessed Valuation (EAV) is calculated in the formula and, in terms of local wealth, will not affect the modeling that was previously done by the State Board of Education.

Chicago Liquor Exemptions (SB 332/PA 100-0579): Provides an exemption to the 100 foot liquor license rule for Stelo, LLC in Chicago.

Hospital Assessment Trailer (SB 1573/PA 100-0580):

Contains provisions indirectly related to the hospital assessment, including items related to the Procurement Code, MCO Risk Based Capital, Children's Hospital Designation, MCO Performance Analysis, Encounter Data Processing and MCO Indemnification.

Hospital Assessment (SB 1773/PA 100-0581):

Establishes a new Medicaid hospital assessment program, effective July 1, 2018, to preserve over \$3 billion in funding to preserve access to hospital services and approximately \$750

million in funding to preserve access to other health care services under Medicaid. The new program: updates the data used under the assessment program from 2005 and 2009 to 2015; revises hospital payment methodologies and provides for regular updates every two years; phases in hospital funding from fixed supplemental payments to claims based payments through increasing amounts over six years; creates a hospital Transformation Program to incentivize and support hospitals as they transform to best serve their communities; and creates a six year program, FY19 to FY24, subject to sunset date of July 1, 2020. Effective July 1, 2018, all Illinois hospitals, excluding publicly owned hospitals, will pay the state an inpatient and outpatient assessment of \$1.5 billion per year.

Evidence Based Funding Reform Change (HB 5812/PA 100-0582): Makes changes to the evidence based funding model, property tax relief pool grants program and repeals the section of the school code that contains the old GSA school funding formula.

Supportive Living Facility Certificate Consideration (HB 4223/PA 100-0583): Authorizes Supportive Living Facility Certification to include consideration for a mixed use facility. This legislation is necessary for the continuation of a project that is currently underway that would re-purpose the former Ravenswood Hospital into a supportive living facility with an independent living facility.

Educator Licensure (SB 863/PA 100-0584): Allows teachers, support personnel and administrative licensure applicants to obtain Illinois licensure by providing proof of completing a state-approved program. This seeks to correct an out-of-state reciprocity issue with applicants who have attended out-of-state institutions for educator licensure but are unable to obtain an Illinois license under current law.

Small Wireless Facilities (SB 1451/PA 100-0585): Creates statewide, uniform small cell wireless facility deployment requirements and

policies for the deployment of small scale wireless facilities in right-of-ways and on utility poles. These small wireless facilities are critical to delivering wireless access to advanced technology, broadband, and 9-1-1 services to homes, businesses and schools.

FY18 Supplemental and FY 19 Budget (HB 109/PA 100-0586): Represents a balanced budget with no associated tax increase.

Appropriates \$1.2 billion General Funds as part of an FY 18 Supplemental for all costs incurred prior to July 1, 2018. As part of the FY19 Operations and Capital Appropriations, appropriates \$36.3 billion General Funds for operations and \$19.4 billion for the FY19 capital program.

The budget fully funds the minimum funding level, adding an additional \$350 million for the new K-12 Education evidence-based funding formula, resulting in more financial support for schools across Illinois and reducing reliance on local property taxes.

Adds \$50 million in support for Early Childhood Education and keeps Illinois on track to receive millions in federal matching dollars for these critical programs.

Includes a 2% across-the-board increase for higher education operations. Also included in this budget is \$4.3 million for Veteran's grant reimbursements for all community colleges.

Adds a new, merit-based scholarship program (AIM HIGH) funded by \$25 million from the state and a matching \$25 million from universities to help retain Illinois students.

Funds the MAP Grant program at FY 18 levels.

Illinois State Police will get funding for one class of 100 cadets.

Includes needed capital, including fully-funds the Governor's FY 19 capital program. Includes \$2.5 billion for IDOT's road program, which will

create jobs and improve roads. Provides \$500 million for the University of Illinois Discovery Partners' Institute (DPI). Includes \$53 million for first year costs to construct a new Quincy Veterans Home. Allocates \$600 million for statewide deferred maintenance, with \$100 million of this amount going toward needs at institutions of Higher Education. Provides \$1 million to start a port redevelopment effort in Cairo.

A much-needed FY 18 supplemental is included in this budget, which will fund agency operations, including \$405 million for the Department of Corrections. It also includes \$63 million for AFSCME back pay.

FY19 Budget Implementation Act (HB 3342/PA 100-0587): Makes changes to state programs which are necessary to implement the FY19 budget. Some of these changes include:

Makes numerous fund transfers and designated uses for specific funds.

Provides, for FY 2019, to set the share of individual income taxes deposited into the Income Tax Refund Fund at 9.7% and the share of business income taxes deposited at 15.5%.

Require IDoA to establish and implement a Community Care Program Medicaid Initiative to provide an enhanced rate to adequately compensate Care Coordination Units (CCUs) to help seniors complete applications for Medicaid and establish requirements for state agencies to make enrollment easier for seniors. CCUs shall be reimbursed for each completed application at no less than \$200 per completed application.

Creates the Community Care Program Medicaid Enrollment Oversight Subcommittee as a subcommittee of the Older Adult Services Advisory Committee to make recommendations on how best to increase the number of Illinois residents who are enrolled in CCP and receive services not paid for under Medicaid although they may be eligible for benefits.

Requires within 30 days after the effective of this Act, the Division of Substance Use and Prevention and Recovery must apply a 3% rate increase to all Medicaid and non-Medicaid reimbursable service rates. Requires a rate increase to community mental health centers with an annualization to be maintained in FY19.

Increases wages paid to personal assistants and individual maintenance home health workers by .48 per hour.

Creates the AIM HIGH Grant Pilot Program to encourage access and affordability for universities through a new institutional match scholarship. Illinois citizens with qualifying income, GPAs and test scores would be eligible, and funds would be provided through the Illinois Student Assistance Commission to colleges and universities who participate.

Authorizes IDOR to collect a 1.5% administrative fee for administering local sales tax on behalf of units of local government. These amounts will be deposited into TCAF. In FY 2018, this fee was 2%. This proposal would decrease that fee to help offset cuts to LGDF.

Adds language extending FY2018 lapse period spending for agencies from August 31, 2018 to October 31, 2018.

Increases rates for Specialized Mental Health Rehabilitation Facilities by 4 percent. Requires HFS to reimburse SMHRFs a bed hold for therapeutic visits at 75% of facility rate for up to 20 days in a fiscal year and no more than 10 consecutive days.

States a public university campus may award an institutional match grant to a student based upon that university's criteria.

Extends IDOT's authority to pay PACE paratransit grants (special transportation services for those with disabilities), to pay Student Fare and Reduced Fare for the Elderly subsidy grants, and to pay Amtrak subsidies for FY18 and FY19 from the Road Fund.

Provides authorization for the State Board of Education to give one-time FY 18 supplemental grants to alternative/safe schools to compensate for their lack of recognition under the new funding model. The total amount appropriated for this purpose is \$5.4 million.

Provides a 12% rate increase for ambulance services under Medicaid.

Creates Pharmacy Critical Access Rate to eligible pharmacies based on prescriptions filled for patients in Medicaid managed care organizations.

Subject to appropriation, requires HFS to develop a critical access pharmacy program to ensure the sustainability of critical access pharmacies. Caps the program at \$10,000,000/annually. Limits the individual payment amounts per prescription at the dispensing rate that HFS would have reimbursed under Medicaid.

Requires DHS to increase child care provider rates by 4.26%.

Requires TANF benefit levels to increase to 30% of the FPL on October 1, 2018.

Increases rates for front line MH/DD, ID/DD, MC/DD personnel by .50/hour. Requires HFS to provide preventative dental care to all Medicaid-eligible adults.

Authorizes the State to issue, sell, and provide for the retirement of GO Bonds of the State for specific purposes expressed below in the total amount of: **\$57,717,925,743**. Authorizes the State to issue, sell, and provide for the retirement of limited obligation bonds, notes, and other evidences of indebtedness of the State in total of **\$6,815,259,000**.

Offers new pension reform measures like voluntary buyouts and capping end-of-career salary increases that cause pension spiking.

Legislative Ethics Commission (HB 138/PA 100-0588): Calls for an independent search committee to determine candidates for the Legislative Inspector General role, with members of the committee to be composed of retired judges or former prosecutors. Additionally, the measure offers the option of hiring a full-time Legislative General, which until now has been a part-time position. A full-time LIG will increase accessibility and guarantee an LIG is available to quickly vet and act on all complaints filed with the office. Will also allow the Legislative Inspector General to begin an investigation into allegations of sexual harassment without first receiving approval of the Legislative Ethics Commission. However, at each Legislative Ethics Commission meeting, the LIG will inform the Commission of each investigation opened that involves allegations of sexual harassment. Requires enhanced reporting regarding the types of matters brought to both the Executive and Legislative Inspector Generals, as well as enhanced reporting by the Legislative Ethics Commission regarding the number of cases where the Legislative Ethics Commission does not publish reports and situations when the Legislative Ethics Commission refuses to allow an Inspector General to proceed with a complaint. Identifies appropriate processes for Legislative Ethics Commission Members to recuse themselves; authorizes the sharing of information about complaints and the investigation process with complainants; improves transparency with regard to allegations and investigations by violation category; and allows for the Legislative Ethics Commission to develop training on topics pertaining to sexual harassment, discrimination and workplace civility, which may be approved to meet the sexual harassment training requirement. Moreover, the bill addresses concerns with regard to the Executive Ethics Commission, authorizing the Executive Inspector General to develop and post online information about the complaint and investigation process, as well as identifying legal limitations on their ability to share information with a complainant or subject of an investigation. Tackling issues of harassment inside the Statehouse, the legislation will also

allow the Secretary of State Inspector General to enforce the prohibition on sexual harassment that is applicable to lobbyists, and provides for suspension or revocation of lobbyist registration for a sexual harassment violation.

Consumer Reporting Agency Consumer Fee (HB 4095/PA 100-0589): Prohibits a consumer reporting agency from charging consumers a fee to place, temporarily lift or remove a security freeze on their credit report. States that a consumer can request a freeze over the phone or through electronic means.

Vendor Payment Program (SB 2585/PA 100-0590): Allows the State Treasurer's Office to become a qualified purchaser in the Vendor Payment Program. This would allow the Treasurer to purchase vouchers help for payment by the State thus becoming the "creditor" of sorts. The State would then pay the Treasurer's Office back for the voucher, plus interest under the Prompt Payment Act. The treasurer's Office would receive a reduced interest amount of 0.3% per month as opposed to 1% per month. Currently, CMS has control over the administration of the Vendor Payment Program; concerns were raised about ceding authority to other constitutional officers.

TIF Extension Normal (HB 1910/PA 100-0591): Creates TIF extensions for Normal, Illinois, for an additional 12 years.

E-Waste Anti-Trust Language (HB 3248/PA 100-0592): Provides anti-trust protections for manufacturers in the e-waste program when operating the manufacturers clearinghouse. It also sets up the allocation formula for the dividing of manufacturer responsibilities when instituting the program.

CILA Fire Inspection Mandate (HB 5551/PA 100-0593): Requires the State Fire Marshal to provide necessary fire inspections to comply with licensing requirements, and authorizes the Fire Marshal to enter into an agreement with another state agency to conduct the inspection if qualified personnel are employed by the state agency. Provides assurance that a local

authority with jurisdiction is authorized to conduct local code inspections.

Mining Sales Tax Exemption Extensions (HB 4415/PA 100-0594): Extends the exemption for coal and aggregate exploration, mining, off-highway hauling, processing, maintenance, and reclamation equipment sunsets on June 30, 2023 (currently, August 15, 2018). This exemption seeks to help Illinois mining companies compete on a level playing field with companies in other states. Every state surrounding IL has similar sales tax exemptions for mining equipment. Extending this exemption allows mining companies some certainty over future equipment costs, making IL a more attractive state to invest and grow jobs.

Lawsuits Against Counties (HB 4711/PA 100-0595): Provides that lawsuits are not authorized against the county or its officials for their administration of the zoning code, concerning a property owner's or county's authority to seek legal action in the circuit court to abate, correct or restrain code violations, unless the county owns the offending property.

Teacher and Substitute Shortage (HB 5627/PA 100-0596): Acts as an initiative to address teacher shortage issues. Provides for full reciprocity for out-of-state applicants for a Professional Educator License (PEL). This will allow out-of-state licensed educators to teach in Illinois without meeting additional requirements. For a five-year period beginning July 1, 2018, creates a Short-Term Substitute Teaching License. Applicants must hold an associate's degree or have completed at least 60 credit hours from a regionally accredited institution of higher education. For a five-year period beginning July 1, 2018, allows a retired teacher to return to work for 120 days (or 600 hours) per school year without impairing their retirement status. Under this provision, the retired teacher is prohibited from teaching for more than 100 days in the same classroom. This is 20 days or 100 hours more than current law provides. Clarifies that an individual who holds a valid PEL or Educator

License with Stipulations (ELS) does not need to also have a Substitute Teaching License to teach as a substitute teacher. Provides that an individual who holds a lapsed PEL due to failure to complete professional development can hold Substitute Teaching License.

Domestic Violence Order of Protection (SB 558/PA 100-0597): Allows a petition for a domestic violence order of protection, civil no contact order, or a stalking no contact order to be filed by a State's Attorney on behalf of any minor child or dependent adult in the care of the named victim, if the named victim does not file a petition or request the State's Attorney file the petition. Allowing the respondent to rebut prima facie evidence of the offense by presenting evidence of a meritorious defense. Requiring the respondent to file a written notice alleging a meritorious defense, which shall be verified and supported by affidavit. Providing that if the court finds that the evidence presented at the hearing establishes a meritorious defense by a preponderance of the evidence, the court may decide not to issue a protective order.

Solar Power Regulations (SB 2591/PA 100-0598): Adds solar to the wind turbine regulations in current law in an effort to ensure solar companies cannot mislead landowners about the contracts for solar locations.

Workforce Readiness Program Expansion (SB 2941/PA 100-0599): Expands the competency-based, high school graduation requirements pilot program to schools serving all grades (as opposed to just grades 9-12). Also allows school districts to collaboratively apply to participate in the program. Provides that the application of a collaborative of districts can only be counted as one district in the annual cohort selection process.

Illinois Fire Protection Training Act Update (SB 3304/PA 100-0600): Makes a variety of technical changes requested by the Illinois Office of the Fire Marshal to update terminology, definitions, and current practices. Changes the reimbursements for fire fighter

training costs from prior fiscal year to prior calendar year. Updates terminology and definitions used in the statute that are technical in nature.

Network Plans (SB 3491/PA 100-0601): Amends the Network Adequacy and Transparency Act to clarify that dental, vision, and limited health service organizations with a network plan are exempt from the Act. Prohibits the Department from establishing a minimum provider to beneficiary ratios for vision or dental providers who provide services under dental-specific or vision-specific benefits. Also provides a hold harmless for network plans in the event a provider submits inaccurate or incomplete information.