

Senate Committee Action May 24, 2017

Agriculture

DNR Dealer License Expiration (HB 2028): Non-resident and resident aquatic life dealer licenses, wholesale aquatic life dealer licenses, mussel dealer permits, minnow dealer licenses, taxidermist licenses, aquaculture permits, commercial roe dealer permits, and daily fee fishing area licenses shall all expire on March 31 of each year.

Education

Unnecessary Arrests (SB 704): Creates the Safe Schools and Health Learning Environments Program - a competitive grant program administered by the State Board of Education (subject to appropriation) whereby schools would reallocate funding for school-based law enforcement personnel to other evidence-based and promising practices designed to promote school safety. Also prohibits student arrests and citations during school hours, on school grounds or at school activities unless the offense: is considered a felony, if committed outside of the school setting, in one of the classes defined in the Criminal Code of 2012; involved an act of physical violence against another person or resulted in a serious bodily injury to that person, and the arrest of the student is necessary to avoid an ongoing threat to the physical safety of other members of the school community; involved the use of a firearm; involves a weapon, when there is probable cause that the student intended to harm another member of the school community with the weapon; involved an act of criminal sexual abuse or the delivery of cannabis on school grounds.

School Code Cursive Writing (HB 2977): Mandates that every public elementary and high school include cursive writing in their curriculum. Unfunded Mandate.

Community Programs (HB 3745): Requires a school board to allow community groups to advertise events and after-school programs pertinent to students' interests or involvement in a designated area of each school campus that is accessible and commonly used.

Energy and Public Utilities

Flue Gas Desulfurization (FGD) Task Force (HB 3656): Creates the FGD Task Force to study the cost benefits of and make recommendations for the construction of new stacks at coal-fired power plants with flue gas desulfurization scrubber technology and the conversion of existing stacks at coal-fired power plants to flue gas desulfurization scrubber technology for the purpose of safely burning more Illinois-mined coal.

Environment and Conservation

Unlawful Recycling Materials (HB 3014): Provides that beginning on July 1, 2017, it shall be unlawful for any person to knowingly place specified materials into a container intended for collection by a residential hauler for processing at a recycling center. Exempts situations in which sharps collections are being carried out by local government.

Greenhouse Gas Task Force (HB 3922): Creates the Municipal Task Force on Recycling Strategies to Reduce Greenhouse Gas Emissions to review the status of municipal policies and programs that reduce greenhouse gas emissions. Task Force shall submit report to GA. Provisions of this bill are repealed two years after the effective date. Requires that one of the municipalities represented must have a population of more than 1,000,000.

Executive

Publishing of Public Questions (HB 512): Provides that public questions must be published not more than 60 (rather than 30) days and not less than 10 days before the election.

Food Allergen Awareness Training (HB 2510): Provides all certified food service managers employed by a restaurant must receive allergen awareness training. Sets forth training program requirements, including accreditation and topics covered. Includes exemptions for multi-state businesses and franchisees, and certain facilities (convenience stores, grocery stores, etc.) with a medium or low relative risk of causing food borne illness.

JCAR Rules Change (HB 3222): Makes the following changes to JCAR operations: Amends the definition of "Rule" to include the prescription of standardized forms. Refines the definition of "emergency rule" to disallow the use of emergency rulemaking due to an avoidable administrative failure to properly enact a rule in accordance with statutory requirements. (Currently, An "emergency" means the existence of any situation that the agency finds reasonably constitutes a threat to the public interest, safety, or welfare) Rewrites the section of the Act that covers JCAR's scrutiny of existing and actively-enforced Illinois administrative rules. Amends the statute to mandate, in its place, that the Joint Committee evaluate rules at its own discretion. (Under existing law, the Joint Committee is mandated to evaluate the rules of each State agency at least once every five years). Adds a new section to the General Rulemaking requirements that when an agency fails to provide a first notice, then the Secretary, Director, other chief executive officer of that Agency, or if a constitutional officer that constitutional officer or designee will appear before JCAR to explain the agency's failure to comply with the deadline.

Disposition of Remains (HB 3488): Provides that if private funds are not available for funeral or burial of a decedent, then State or local officials shall refer a family member to the option of donating the remains to an institution of medical, mortuary, or other sciences registered with the Department of Public Health. Unclaimed cadavers held by any State facility, hospital, institution, or morgue may be turned over to an institution on the registry. Includes provisions regarding verification and contacting family, the registry of institutions and cadavers, and responsibility for expenses. Provides a qualified medical science institution receiving a cadaver is responsible for all costs related to the contribution, including transportation of the remains. Provides if at any time a family member makes a written request concerning return of the remains, the qualified medical science institution shall, at its own expense, return the remains within a reasonable time. Grants the Department of Public Health rulemaking authority. Repeals the act on December 31, 2022. Clarifies that when a medical science institution receives a donated cadaver under this Act, they may not transfer the

decedent's remains not authorized by this bill.

State Officials and Employees Ethics (SB 643):

Amends the State Officials and Employees Ethics Act adding head of a State agency affected by or involved in the investigation to the list of individuals that may receive confidential investigatory files and reports: A law enforcement agency, the ultimate jurisdictional authority, the Executive Ethics Commission, another Inspector General appointed by the Act, and an Inspector General appointed or employed by a Regional Transit Board. All changes affect the Executive Branch only.

Higher Education

Firefighters Memorial Fund Scholarship (HB 2550):

Money deposited in the Illinois Firefighters' Memorial Fund shall be used to provide scholarships for any post-secondary education approved by the Illinois Firefighter Memorial Foundation to children and spouses of firefighters killed in the line of duty.

Human Services

Aftercare Hearings (HB 2589): Requires DCFS to assign a caseworker to attend any hearing involving youth in the care and custody of DCFS placed on aftercare release, including hearings involving sanctions for violation of aftercare release conditions and aftercare release revocation hearings. Amends the Children and Family Services Act instead of the Unified Code of Corrections.

CILA Resident Information (SB 1748): Requires copies of investigative reports containing unsubstantiated allegation findings to be provided to agency directors. Extends the provisional CILA license cap from 6 months to 24 months. Prohibits any entity that has had its CILA license revoked from reapplying for a license or under a different name. Provides that in the event of a CILA license revocation, DHS has immediate and full access to the recipients served by that agency, as well as their medications, records and personal possessions in order to ensure a timely, safe and smooth transition from the program. Requires CILA's to securely collect and store up-to-date basic identifying information of its residents as well as emergency contact information. Clarifies that local

fire authority inspections are acceptable as long as the Code requirements are equal to the State Fire Marshal's.

Judiciary

Common Interest Community Associations and Condos (HB 189): Amends the Common Interest Community Association Act & the Condo Act to If a lienholder or mortgagee is required to provide approval for an amendment to a community instrument, they will be recorded as consenting if they do not respond within 60 days. Requires notice of the amendment must be sent by certified mail. An association with 100 or more units must use Generally Accepted Accounting Principles in fulfilling any accounting obligations. Provides that a condo board that experiences a surplus at the end of the fiscal year may use the surplus in certain way. If a condo board experiences a deficit at the end of the fiscal year, the board may roll the deficit over into the next year's budget. Provides that unit owners may object and offer other options. Association by-laws must allow 21 (rather than 14) days for unit owners to submit a written petition objecting to a board decision. Makes conforming changes to similar sections of the Act. Association boards must maintain unit owner information that includes email addresses and telephone numbers (in addition to, names, addresses, and weighted votes). Owner information and ballot information may not be used for "commercial purposes." Provides a definition of "commercial purposes." Deletes language referring to "proper purpose" for such records. Associations must provide requested documents to members within 10 days (rather than 30 days) of request. Removes the burden of proof from the member to prove why they are entitled to requested records. Removes the requirement that boards charge for copies of records and makes it permissive. Combining of units and amended plats to allow for additional exclusive use of common areas adjacent to the combined unit. Provides that such exclusive right is not a diminution of the ownership interests of other unit owners.

One Class Voting Membership (HB 2401): Establishes the association shall have one class of VOTING membership instead of just one class of membership AND amends the Condo Act to

establish a fourth tier of voting requirements to permit a sale of the condominium property to an outside investor. Properties with 7 units or more will require the vote of 85% of the unit owners (rather than 75%). Resolves ISBA opposition. Modifies provisions concerning one class of membership. Returns to current law, provides the association shall have one class of membership. Details two actions that when taken by an association shall not be deemed to create more than one class of membership. (Parking/Storage Rules and Common Area/Safety Rules).

Workers' Compensation – Insurance Carrier Rate (HB 2525): Requires DOI preauthorization of insurance rates, codifies new process for which DOI will approve or disapprove an insurance carrier's rate. Contains self-insurance oversight that's not exempt from public disclosure under FOIA. Establishes a rate and premium review task force to explore insurance company profits and understand deviations from NCCI recommended rates. Small changes to workers' compensation, however includes new employer penalties.

Real Estate Property Transfer (HB 2572): Authorizes the Department of Military Affairs to convey described real estate in Tazewell County. The armory in Delavan is no longer necessary as the federal unit was moved out in August. The legislation would allow the Department to transfer the property if the city wishes to take it. Provides the property in question may be conveyed to the city of Delavan OR the Delavan Township Park District.

Workers' Compensation – Mutual Insurance Company (HB 2622): Creates the Illinois Employers Mutual Insurance Company.

Independent Escrowee (HB 2702): Incorporates independent escrowee into the definition of closing protection letter and insured closed letter. This amendment establishes equal capital/surplus/bonding/reserve requirements for any CPL issuing entity whether title company or independent escrowee.

Security Deposit Return (HB 3001): Provides for specific notice requirements from lessor to lessee regarding disposition of security deposits. Lessor shall deliver in person or by postmarked mail deliver receipts or costs of repairs. If the lessor cannot

produce necessary receipts then an itemized list along with any other evidence and a verified statement can be produced evidencing repair costs. Further, if a written lease provides specific costs for repair, replacement, or cleaning, the lessor may withhold the specific amount with provision of itemized statement.

Geolocation Privacy Protection (HB 3449): Creates the Geolocation Privacy Protection Act. Prohibits private entities from collecting, using, storing, or disclosing geolocation information from a location-based application on a person's device (smart phone, tablet, etc.) unless the person gives affirmative express consent. The Attorney General and State's Attorney are given authority to enforce the Consumer Fraud and Deceptive Business Practices Act. Waivers and contracts that do not comply with the Act are void and unenforceable, but a private entity or individual that is in violation of the Act will have 15 day after being notified of a violation to rectify that violation. The Enforcement section is altered by adding that an agreement that is void and unenforceable does not give rise to a private right of action under this Act.

Student Online Personal Protection (SB 444): Creates the Student Online Personal Protection Act. This legislation is an attempt at protecting student data and personal information. It allows a national assessment provider to use or disclose covered information solely to provide the student with access to employment opportunities, scholarships, and financial aid or college opportunities. This can only be done in response to a direct request from the student who owns the covered information including express written consent of the student or parent of the student.

Licensed Activities and Pensions

State Universities Pensions (HB 299): Amends an article of the State Universities Article of the Illinois Pension Code concerning return to work by an affected annuitant. Provides that a person who becomes or remains an affected annuitant, except for any period on or after the effective date of the act except for any period on or after the effective date of the amendatory Act during which an annuitant received an annualized retirement annuity that is less than \$10,000. Provides for

current administrative practices to be codified in law and allows for the fund to issue subpoenas to assist in collecting debts owed to the fund.

Nurse Practice Changes (HB 313): Updates language and modernizes the Nurse Practice Act as well as extending the repeal of the Act to January 1, 2028. Expands scope of practice for APRN. Removes podiatric physicians from collaboration except in specific situations, makes it clear that in the hospital, hospital affiliate and ambulatory surgical treatment center setting privileging is the way authority to practice or prescribe is given by the hospital, and distinguishes current APN status from new APRN with full practice authority status.

Local Government

Township Funds (HB 1896): Provides that township funds shall not exceed an amount equal to or greater than 2.5 times the annual average expenditure of the previous three fiscal years. This limitation excludes the township's capital fund.

Food Handling Safety (SB 2057): Provides that a county health department or unit of local government may not regulate the preparing/serving of food private in residential leaseholds. Exempts Chicago.

State Government

Human Trafficking Task Force Extension (HB 1853): Extends the due date for the report to January 15, 2018 instead of June 30, 2017. Repeals the Task Force on January 31, 2018 instead of July 1, 2017.

Expansion of E-Pay Capabilities (HB 3005): Clarifies and update language regarding revenue received by the state in the form of coins, cash, checks, drafts, electronic checks, credit and debit card payments and provides that the processing of such forms of payments shall be authorized for acceptance and collection by the State Treasurer.

Appointment of Chief Administrator (HB 3904): Adds that the Director shall appoint a Chief Administrator by and with the advice and consent of the Senate.

IEMA Grants (HB 4011): Removes line that requires IEMA to provide assistance to not-for-profits on an

emergency basis. Authorizes the Agency to use funds appropriated for the grant program described in this subsection to administer the program.

Supported Employee Program (SB 1453): Requires the Director of Central Management Services to develop and implement a supported employment program that would apply to all State agencies.

Codification of DoIT (SB 1606): Creates the Department of Innovation Technology Act. Updates statute to reflect the newly created Department of Innovation and Technology (DoIT) as a standalone State agency, separate from Central Management Services. All powers, duties, rights, and responsibilities of IT functions within State agencies are transferred to DoIT. DoIT shall promote best-in-class innovation and technology to client agencies to foster collaboration amongst agencies, empower to provide better service to residents of Illinois, and maximize the value of taxpayer resources. Provide

Telecommunications and Information Technology

AT&T Modernization (SB 1381): Allowing the move from landline service to cellular/VOIP technologies.

Wireless Facilities Deployment (SB 1451): Creates the Small Wireless Facilities Deployment Act, while exempting Chicago from its provision.

Transportation

Downstate Public Transportation Fund Transfers (HB 2453): Changes how revenues from sales and use taxes are deposited into the Downstate Public Transportation Fund. Currently, revenue received from the sales and use taxes are deposited into the General Revenue Fund (GRF), and then a portion (by formula) is deposited into the Downstate Public Transportation Fund on a monthly basis. HB 2453 would bypass GRF and have revenue directly deposited into the Downstate Transportation Fund.

Transportation Benefits Program (HB 2802): Requires employers to offer at least one transportation benefit program. Provides that the employer may choose between providing a program consistent with federal law that allows employees to elect to exclude from taxable wages and compensation the employee's commuting costs incurred for the purchase of a transit pass to use public transit or for the purchase of qualified parking, or a program under which the employer supplies a transit pass for the particular qualifying public transit requested by the employee or reimburses the covered employee for payments made for the use of qualified parking. Limits the program to the area under the jurisdiction of the RTA. Provides that the bill applies to employers with 25 full time employees. Excludes from the scope of the bill areas in which regularly-scheduled transit service does not operate.

O'Hare Noise Monitoring (HB 3240): Sets a June 30, 2018 deadline for implementation of the O'Hare noise monitoring upgrade already approved and mandated by the Illinois General Assembly in SB 636/P.A. 99-202.

Veterans Affairs

Veterans' Hiring Preference (HB 3261): Provides that, for the purpose of veteran preferences, members of the Illinois National Guard or a reserve component of the United States Armed Forces are considered veterans regardless of whether or not the person was mobilized to active duty, if they served a minimum of four years.