

2017 New Laws

Updated August 8, 2017

Public Official Threatening (SB 2034/PA 100-0001): Expands existing law regarding threats to public officials by making it a Class 3 felony to also threaten an attorney employed by the Department of Healthcare and Family Services, the Department of Human Services, the Department of Children and Family Services, or the Guardianship and Advocacy Commission; or an assistant public guardian, attorney, social worker, case manager, or investigator employed by a duly appointed public guardian. Also advances bail reform and an extension of Illinois' RICO law.

Prevailing Wage Schedule (HB 3044/PA 100-0002): States that the Department of Labor will publish on its official website a prevailing wage schedule for each county in the State by Aug. 15 every year. The wages will be set by the wages ascertained by the Department during the month of June.

Mandatory Minimum Firearms/Drug Penalty Reductions (SB 1722/PA 100-0003): For five years subjects repeat firearm offenders to presumptive sentencing at the higher range of existing sentencing laws unless the judge finds that a departure from the presumptive sentencing is warranted. Reduces the protected area for drug crimes from 1,000 to 500 feet, requires protected persons be present at the time, and requires prosecutors prove a connection between the crime and the protected area before a felony can be enhanced. Expands the eligibility for the Offender Initiative Program, Second Chance Probation and other drug probation programs as well as creates a 5 year First Time Weapon Offender Diversion Pilot Program for offenders under 21. Expands eligibility of sentencing credits for inmates in the Department of Corrections. Increases access to educational, vocational and re-entry programming for individuals incarcerated for truth-in-sentencing offenses, allowing eligible individuals to reduce

their sentence. Allows the Prisoner Review Board to terminate a person's mandatory supervised release if that person is determined to be low-risk. Creates the Violent Crime Intelligence Task Force within the Department of State Police.

Used Vehicle Sales and Implied Warranty (HB 1560/PA 100-0004): Makes changes with regard to coverage of used motor vehicles and disclaimer of implied warranty. Current law says an agreement for the sale of a used motor vehicle subject to the Consumer Fraud and Deceptive Practices Act must contain a statement explaining to the purchaser what the implied warranty covers (e.g. power train components for 15 days or 500 miles, whichever is earlier). This bill will add to that by allowing the statement to be on a separate document and by clarifying exceptions to the general rule -- such as antique vehicles, vehicles labeled "as is," and not heavy-duty trucks. The intent of the law is to provide a balance of consumer protection in covering certain power train components without being too burdensome on the seller.

ATM Postings (HB 1783/PA 100-0005): Amends the Electronic Fund Transfer Act by requiring a person who owns a non-bank ATM to post a phone number for consumers to call to report problems and to post the Illinois Department of Financial Professional Regulation (IDFPR) phone number. Repeals the Check Printer and Check Number Act.

Secure Choice Program Modifications (HB 2360/PA 100-0006): Amends the Secure Choice Savings Program Act to incorporate recommendations of the Secure Choice Savings Board regarding a revised implementation timeline, default contribution rate (allows the Board to set between 3-6%) and clarifies that the fund need not register as a security under state law.

College Entrance Exam (HB 2442/PA 100-0007): Requires that the college entrance exam be given during the school day during regular school hours.

Technical Educator Test (HB 2470/PA 100-0008): Makes minor changes to current requirements for a career and technical educator endorsement and for a provisional career and technical educator endorsement on an Educator License with Stipulations.

Natural Gas Motor Fuel Taxes (HB 2801/PA 100-0009): Levels the tax paid on compressed natural gas (19 cents/gallon) and liquefied natural gas or propane (21 cents/gallon) to match tax paid on gasoline and diesel fuel, respectively, when used as a motor fuel.

Veterans' Service Task Force Repeal (HB 2973/PA 100-0010): Transfers duties, information, and report responsibilities from the Illinois Discharged Service-members Task Force to the Illinois Veterans' Advisory Council. Dissolves the Task Force as of July 1, 2018.

ISP Education Waiver for Veterans (HB 3095/PA 100-0011): Provides that a person may have three years of full active and continuous military duty and received an honorable discharge before hiring in order to meet the collegiate educational of the Department of State Police.

Mental Health Pilot Program (HB 3703/PA 100-0012): Creates a two-year mental health pilot program beginning Jan. 1, 2018, for which a mental health facility located in Rock Island County, Illinois, may accept the admission of an Iowa resident from the Eastern Iowa Mental Health Region. The pilot program must also provide that a resident of Rock Island County, Illinois, who is a person subject to involuntary admission may receive inpatient treatment in an Iowa mental health facility.

Educator Licensure (HB 3820/PA 100-0013): Makes the following changes to Article 21B of the School Code dealing with educator licensure: 1.) Changes the minimum age to 19

(currently 20) for a person to be eligible to receive an educator license. 2.) Provides that an individual who holds a career and technical educator (CTE) endorsement on an Educator License with Stipulations but does not hold a bachelor's degree may substitute teach in career and technical education classrooms. Also provides the same allowance for individuals who hold a provisional or part-time provisional CTE endorsement. 3.) Removes the requirement that holder of a provisional CTE endorsement on an Educator License with Stipulations must complete a minimum of 20 semester hours from a regionally accredited institution. 4.) Adds an endorsement as a Director of Special Education to the list of current special education endorsement areas already allowed to be affixed to a Professional Educator License for any individual that meets State Board of Education requirements (established in rules). This provides statutory authority for the existing Director of Special Education endorsement. 5.) Changes requirements for out-of-state and out-of-country applicants regarding the types of degrees/coursework that can qualify for licensure. 6.) Provides that any licensee with an administrative endorsement who is not working in a position requiring such endorsement is not required to complete Illinois Administrator Academy courses. 7.) Provides that the State Board must audit a subset of approved professional development providers. 8.) Provides that school psychologists may renew their professional educator license by providing proof of a valid national license.

Implicit Bias Training (HB 3869/PA 100-0014): Creates a new section on in-service implicit bias training for educators. Requires the in-service training to include training to develop cultural competency (rather than training on civil rights and in cultural diversity), including understanding and reducing implicit racial bias (rather than including racial and ethnic sensitivity and implicit racial bias). Defines "implicit racial bias."

Child Support Income Shares (SB 69/PA 100-0015): Makes adjustments and corrections to

legislation relating to income shares and child support obligations.

Wind Power Installers (SB 71/PA 100-0016):

Deletes wind power installers from ICC rules/certification requirements.

Alcohol at Special Events (SB 941/PA 100-0017):

Amends the Liquor Control Act and updates definition of “special event retailer” to include the sale or offering of spirits. Establishes additional reporting and record-keeping requirements for third-party providers.

Extends Repeal of Human Trafficking Task Force (SB 986/PA 100-0018):

Amends the Human Trafficking Task Force Act, and Extends repeal of Human Trafficking Task Force from July 1, 2017, to July 1, 2018.

Juvenile Justice Training (SB 1519/PA 100-0019):

Removes specialized degree and experience requirements for Department of Juvenile Justice personnel who participate or assist in the rehabilitative and vocational training of delinquent youths.

ATT/Telecom Modernization Act (HB 1811/PA 100-0020):

Facilitates the transition from traditional landline telephone services to modern 21st Century IP telephone landline services. Extends the sunset of the 9-1-1 rewrite provisions which was set to be repealed on July 1, 2017 and extends the sunset date to December 31, 2020. Advances a surcharge rate increase from \$.87 to \$1.50 per line across the state and enables Chicago to raise its 9-1-1 rate to \$5 per line (currently \$3.90).

FY17 Supplemental Budget and FY 18 Budget (SB 6/PA 100-0021):

Includes a FY 17 supplemental and FY 18 budget. The Democrat majorities’ fiscal year 2018 budget includes spending of approximately \$37.6 billion (SB6) with estimated total revenues of only \$36.3 billion. This results in a \$1.3 billion structural deficit.

- It counts on \$500 million in savings from Tier 3 for new hires’ pension reforms that most likely will not

materialize in FY18 because each retirement systems is allowed to set its own implementation date.

- In this budget, no surplus cash available to pay debt service on the \$6 billion bill backlog borrowing authorized by the General Assembly. A \$6 billion borrowing would need approximately \$650 million in cash to cover FY18 debt service.
- A drafting error strands \$215 million in State Pensions Fund that is intended to provide GRF relief for SURS pension payment.

The budget hole grows to \$2.6 billion when you include \$1.3 billion in unpaid bills from FY17 with no appropriations. New FY18 appropriations will first be used to pay these old bills. It should be noted that the majority’s budget process resulted in numerous mistakes and/or drafting errors that could make it difficult, if not impossible for the Administration to enact some parts of the budget. There is also no guarantee K-12 schools will open on time, as the budget specifically requires passage of an “evidence-based model” school funding formula.

Income Tax Increase (SB 9/PA 100-0022):

Increases the individual income tax rate to 4.95% (currently 3.25%) and the corporate income tax rate to 7% (currently 5.25%) beginning July 1, 2017. This is a 32 percent income tax increase, which is expected to bring in about \$5.5 billion in new tax revenue. Additionally, Senate Bill 9:

- Reinstates the Research & Development Credit. Provides the credit will sunset on January 1, 2022.
- Increases the Earned Income Tax Credit to 14% of the federal tax credit beginning January 1, 2017 and then 18% of the federal tax credit beginning January 1, 2018.
- Increases the Education Expense Credit to \$750 for tax years ending on or after December 31, 2017. Provides an income limit for taxpayers claiming this

credit: \$500,000 for joint filers and \$250,000 for all other taxpayers.

- Implements an income limit for taxpayers claiming the standard deduction and receiving a tax credit for property taxes: \$500,000 for joint filers and \$250,000 for all other taxpayers.
- Creates a credit for instructional materials and supplies beginning January 1, 2017.
- Closes corporate tax incentives.
- Expands taxation of off shore businesses who also have a taxable presence in Illinois.
- Extends the sales tax exemption for "majority blended ethanol fuel" and "100% biodiesel and biodiesel blends" through December 31, 2023 (currently expires December 31, 2018).
- Provides that graphic arts machinery and equipment will be included in the MM&E exemption beginning July 1, 2017.
- Rewrites the Disposition of Unclaimed Property Act to follow newly established unclaimed property procedures established by the Uniform Law Commission in 2016. This is the product discussions with all of the various stakeholders within unclaimed property. However, financial groups remain opposed.

Budget Implementation Act (SB 42/PA 100-

0023): Creates the FY 19 Budget

Implementation Act (BIMP) to make changes to state programs that are necessary to implement the FY 18 budget. Of note:

- Within 30 days of the effective date of the Act, the following rate increases must be implemented subject to emergency rulemaking authority:
 - \$0.75/hour wage increase for DD front line workers. **(Fiscal: \$43.4 Million)**
 - \$0.72/hour wage increase to be paid to CCP homemaker workers. Additionally, an enhanced rate of \$1.77/hour to

be paid to CCP In-home service provider agencies that offer health insurance coverage to their employees and adjusted annually based on the cost of care actuarial analysis. **(Fiscal: \$49.9 Million)**

- 3% increase to drug and substance abuse providers. **(Fiscal: \$1 Million)**
- An increased rate methodology with annualized the increases for contracts to certified community mental health centers based on additional amounts appropriated for that purpose. **(Fiscal \$3.5 Million)**
- \$0.48/hour for Home Service Program workers. **(Fiscal \$12.6 Million)**
- 2.8% increase for supportive living facilities. **(Fiscal: \$4.3 Million)**
- 2.8% increase for Specialized Mental Health Rehabilitation Facilities (SMHRF's) **(Fiscal Impact: \$4.3 Million)**
- **Total Fiscal Impact - \$119 Million**
- Speeds up payments to units of local government by having IDOR deposit amounts directly into LGDF, instead of depositing into GRF and then the Treasurer making the transfer into LGDF. Also provides to reduce the deposits by 10% for FY 18 only.
- Provides, for FY 2018, to set the share of individual income taxes deposited into the Income Tax Refund Fund at 9.8% and the share of business income taxes deposited at 17.5%.
- For TRS, SURS, and non-covered SERS – Beginning FY 2018, creates a voluntary Tier 3 Hybrid defined benefit/defined contribution plan for Tier 2 members.
- Increases the personal needs allowance (PNA) for Intermediate Care Facilities for the Developmentally Disabled (ICFDD's), Community Integrated Living Arrangements (CILA's), medically

complex for developmentally disabled facilities (MC/DD's) and Specialized Mental Health Rehabilitation Facilities (SMHRF's) so that total monthly allowance is \$60.

- *The \$60 PNA was repealed on 1/1/16 and reverted back to the following:*
 - *\$50/month for CILA's*
 - *\$30/month for ICFDD's and MC/DD's*
 - ***The repeal resulted in \$3.2 Million saving to the State. According to DHS, based on the current budget outlook for Illinois, the proposed increase would need to be offset by alternative existing program cuts or an increase in state revenues.***
- Permits State entities to enter in energy savings contracts or leases. These include contracts for improvement, repair, alteration, betterment, equipment, fixture, or furnishing that is designed to reduce energy consumption or operating costs. Agreements shall not be over 15 years. Contracts may include alternative financing, or lease to purchase options.
- Requires the Director on Aging to establish a 19 member Community Care Program Services Task Force to review community care program services for seniors and strategies to reduce costs without diminishing the level of care.
- Amends the General Obligation Bond Act to authorize an additional \$6 billion in Income Tax Proceed Bonds for the purposes of paying down the backlog of bills. Provides the bonds are payable 12 years from the date of sale.
- Identifies nearly \$300 million in special fund transfers to GRF.

PANDAS-PANS Insurance Coverage (HB 2721/PA 100-0024): Mandates that a group of individual policy of accident and health insurance or managed care must provide coverage for the treatment of pediatric

autoimmune neuropsychiatric disorders associated with streptococcal infections (PANDAS) and pediatric acute-onset neuropsychiatric syndrome (PANS).

Legislative Per Diem, COLA (HB 643/PA 100-0025): Establishes the Fiscal Year (FY) 2018 General Assembly member mileage reimbursement rate and allowance for lodging and meals to be \$111 per day and mileage for automobile travel to be reimbursed at a rate of \$0.39 per mile. Beginning July 1, 2017, eliminates the FY 2018 COLA for members of the General Assembly, State's Attorneys (excluding county supplements), elected executive branch constitutional officers, and certain appointed agency employees (example – directors and deputy directors).

FOIA Exemptions (HB 619/PA 100-0026): Amends the Freedom of Information Act to add the following exemptions from disclosure: records requested by persons committed to a county jail or a Department of Corrections facility, as a means to prevent FOIA from being used as a harassment tool.

Unfit to Stand Trial Placement (HB 649/100-0027): Expedites transfers of inmates unfit to stand trial from county jails to the Department of Human Services mental health facilities. Gives DHS 20 days to tell sheriffs where to take inmates who are unfit to stand trial or not guilty by reason of insanity. If DHS fails to identify a mental health facility within 20 days, sheriffs can then put DHS on notice that they will take defendants to the nearest facility. The department would then have two days to provide an estimated date for admission to a facility.

Chester CUSD 139 GSA for Memorial Service (HB 1254/PA 100-0028): Addresses a specific situation involving Chester CUSD 139 in Randolph County. The gymnasium at the Chester HS was used for a fallen police officer's funeral and memorial. The day of the funeral was a full day that no child was present at school. The day before the memorial, the students were released at noon. This resulted in

the school district not receiving the adequate number of full school days for their General State Aid claim, which resulted in a \$19,000 reduction. This legislation is intended to ensure that a district will still receive their full General State Aid allotment even if they do not meet the adequate number of days if it is due to offering their building(s) for the use of a memorial or funeral service in remembrance of a community member.

Breastfeeding Students (HB 2369/PA 100-0029): Requires public schools (including charters and CPS) to provide reasonable accommodations to a lactating student on a school campus to express breast milk, breastfeed an infant child or address other needs related to breastfeeding. Defines reasonable accommodations. Also provides that a lactating pupil must be provided a reasonable amount of time to accommodate her need to express milk or breastfeed her infant child. Schools are only required to provide these accommodations if there is a lactating pupil on campus and they may use an existing facility to meet the requirements of the legislation.

DOC Video Visitation (HB 2738/PA 100-0030): States all Department of Corrections' institutions and facilities must permit every committed person to receive in-person visitors and video contact, if available, except in cases of abuse of the visiting privilege or when the chief administrative officer determines that such visiting would be harmful or dangerous.

Water Reclamation District (HB 3010/PA 100-0031): Amends the North Shore Water Reclamation District act to make several changes: clarifies that a trustee vacancy must be filled with an individual of the same political party; adds barium, cadmium, mercury, selenium, and silver to the list of substances noted as toxic to the wastewater treatment processes; states that it is unlawful to discharge effluent, gaseous wastes, sewage, industrial wastes, or other wastes into the sewage system; authorizes disconnection for violations of district final orders; and allows owners of

non-contiguous territory to enter into annexation agreements.

Fund Transfers (HB 3012/PA 100-0032): Allows Waukegan CUSD 60 to make a one-time transfer of \$3.9 million in funds, remaining from excess bond funds accumulated prior to July 1, 2000, into the district's Operations and Maintenance Fund. Under current law, the district is unable to make this transfer. Waukegan CUSD 60 plans to use the funds to provide air conditioning in their schools.

Military Casualty Notification (HB 3017/PA 100-0033): Provides that in lieu of notice being provided by the Department of Veterans' Affairs, any other state or federal entity, agency, or person holding such information, may notify the Governor of the death by hostile fire of an Illinois resident member of the United States Armed Forces.

Notice for Filing Complaint Against a Judge (HB 3054/PA 100-0034): States that court clerks must post in common areas of the courthouse a notice that a person may file a complaint against the judge, which will include contact information for the Judicial Inquiry Board. The Judicial Inquiry Board will develop a statewide notice and format for each clerk.

Home Kitchen Regulations (HB 3063/PA 100-0035): Seeks to address challenges facing farmers' market vendors, and seeks to implement safe, fair, and consistent regulations throughout the state. With relation to farmers' markets, in the Home Kitchen Operation section, provides baked goods and only high-acid fruit pies are allowed. Under the Cottage Food Operation section, removes a list of non-potentially hazardous foods allowed, and includes a list of prohibited foods. Adds a statement regarding safety to the cottage food operation application.

Chicago Liquor Exemptions (HB 3164/PA 100-0036): Allows the City of Chicago to be able to issue a liquor license to the following establishments which are located within 100

feet of a church or school, if certain requirements are met. This applies to Revel Motor Row, Pizano's Pizza, and Murphy's Lounge and Medici Restaurant. The bill also includes a correction to the existing exemption for Nando's Peri-Peri Restaurant, to specify that the business is less than 3,000 square feet (instead of 4,350 square feet).

Barack Obama Day (SB 55/PA 100-0037):

Designates Aug. 4 of each year as Barack Obama Day.

Liquor Sales (SB 322/PA 100-0038): Provides sale of alcoholic liquor at a premises located within a municipality with population in excess of 1,000,000 inhabitants can be within 100 feet of a church if the building is between 3,600 to 4,000 square feet and the original building was built before 1922.

Quick-take Procedures (SB 567/PA 100-0039):

Authorizes Macon County and the City of Decatur to use quick-take procedures, for a period not to exceed one year after the effective date, to acquire property for construction on Brush College Road.

Cybersecurity Training for DoIT (HB 2371/PA 100-0040): Requires State employees under the Governor to annually undergo training by the Department of Innovation and Technology concerning cybersecurity, which includes phishing scams, spyware infections and identity theft, preventing and responding to data breaches.

Organ Donor Registry (HB 1805): Provides that the age of an individual who has the opportunity to have his or her name included in the First Person Consent organ and tissue donor registry to be 16 or older, rather than 18.