



**ILLINOIS
CHAMBER**

GOVERNMENT AFFAIRS

Report

March 25th, 2022

This Week in Illinois

UI Trust Fund Receives ARPA Infusion

The following information is provided by the Illinois Chamber Employment Law Council.

On partisan roll calls, the House and Senate Democrats have sent Gov. Pritzker [SB 2803](#) which infuses \$2.7 billion American Rescue Plan (ARPA) funds towards the \$4.5 billion Unemployment Insurance Trust Fund deficit. This morning, the Governor signed [SB 2803](#) into law. The Illinois Chamber appreciates the action of the Governor and members of the General Assembly for this positive step in addressing the massive \$4.5 billion in outstanding debt. UI negotiations are continuing to resolve the remaining \$1.8 billion deficit in the Trust Fund as well as the Chamber's seeking to bringing greater stability for employer UI taxes in the future.

Republicans in the House and Senate argued that \$4.5 billion of ARPA funds should be used to pay the deficit which would have avoided significant increases in UI taxes and cutting of unemployed worker benefits that may

occur without a full solution. They also criticized Gov Pritzker's failure to use the ARPA funds last year.

Stay tuned as to how negotiations proceed and how your UI taxes may be impacted.

Chamber ELC Members will know more on this issue as well other employment law-related subjects. For more information on the joining Employment Law Council, contact Lauryn Thornton at lthornton@ilchamber.org.

Session Update

The House and Senate were both back in Springfield for another week of session. Today, March 25th was the committee deadline.

Both the House and the Senate will return Monday, March 28th while Friday, April 1st is the third reading deadline in both the House and the Senate for bills originating in the opposite chamber. A busy week is expected. Starting March 28th, the Legislature is scheduled to be in session every day until April 8th adjournment.

While today was the posted committee deadline, there are many hearings still scheduled for next week. View the Senate Committee schedule for next week [here](#). View the House committee schedule [here](#). Rail report subscribers will continue to get daily updates.

In other session news, the Senate welcomed 23rd District Senator Diane Pappas (D) into the upper chamber for the first time this week. Senator Pappas, a former State Representative from the 45th District, was appointed to replace former Senator Tom Cullerton earlier this month.



Critical Cybersecurity Briefing Presented By Illinois Chamber and US Representative Underwood

Wednesday, March 30, 2022
10:00 am - 11:00 am
FREE Webinar

Join us for a cybersecurity briefing on how businesses can prevent, identify, and respond to malicious cyber activity, and how the Cybersecurity and Infrastructure Security Agency (CISA) and FBI can help. The briefers will cover CISA's Shields Up guidance and include time for Q&A.

This is a free event for both members and non members on an issue of critical importance.

[Register Here](#)

Briefing Agenda:

10:00 am - 10:03 am Welcome Remarks from Illinois Chamber and Representative Underwood

10:03 am - 10:18 am Update from CISA (Alex Joves)

10:18 am - 10:33 am Update from FBI (Eric Brelsford)

10:33 am - 11:00 am Q&A

Featured Speakers

FBI Special Agent Eric Brelsford

FBI Special Agent Eric Brelsford has 15 years of experience with the FBI specializing in cyber-crime investigations. During this time, Agent Brelsford has been the lead investigator on a variety of cyber investigations including for example ransomware, data breaches, cyber extortion, financial account takeover, malware distribution, botnet operations,

Regional Director Alex Joves

Alex Joves is the Cybersecurity and Infrastructure Security Agency (CISA) Regional Director (RD) for Federal Region 5 covering Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin. Regional Directors serve as the CISA senior leader in each of the ten regions. Through their leadership and management of field-based resources and capabilities, RDs

and denial of service attacks. Prior to joining the FBI, Agent Brelsford worked in the private sector performing computer & information security consulting. Agent Brelsford is currently assigned to the FBI Chicago Field Office's criminal computer intrusion squad.

represent all CISA programs. CISA is the Nation's risk advisor. The Agency protects the Nation's critical infrastructure from cyber and physical threats by working with partners to defend against today's threats and collaborating to build more secure and resilient infrastructure for the future. Mr. Joves assumed the CISA RD position in November 2018. He has 25 years of government service with the Federal Civil Service and U.S. Coast Guard. A career member of the Senior Executive Service, Mr. Joves is a graduate of the U.S. Coast Guard Academy and The George Washington University Law School. The CISA Region 5 office is located in Chicago, IL.

Bills of Interest with Action this Week:

[HB209](#), **Latex Gloves** passed out of the Senate Executive Committee by a vote of 15-0-0. This bill creates the Latex Glove Ban Act. Provides that, on and after January 1, 2023 a food service establishment may not permit employees to use latex gloves in the preparation and handling of food. Provides that, if latex gloves must be used in the preparation of food due to a crisis that interrupts a food service establishment's ability to source nonlatex gloves, a sign shall be prominently placed at the point of order or point of purchase clearly notifying the public of the temporary change. Provides that, to encourage compliance, the Department of Public Health shall send a notice of warning to a food service establishment for its first violation of specified provisions. Prohibits the use of latex gloves by (1) EMS personnel on and after January 1, 2023 and (2) health care facility personnel on and after January 1, 2024. Provides that, if a crisis exists that interrupts their ability to reliably source nonlatex gloves, EMS personnel and health care facility personnel may use latex gloves upon a patient, but shall prioritize, to the extent possible, using nonlatex gloves for the treatment of specified patients.

[HB 989](#), **Corporate Board Diversity Reporting** passed out of the House Economic Opportunity & Equity Committee by a vote of 5-2-0. This bill adds onerous penalty provisions to the corporate board reporting requirements. This act applies to all publicly traded companies with principal headquarters in Illinois. Under this amendment, the penalty for a first time oversight is \$100,000. The penalty more than doubles for second and subsequent violations. The Chamber opposes this bill.

[HB 1780](#), **Drug Takeback** passed out of the Senate Executive Committee by a vote of 16-0-0. This bill provides that the Act may be cited as the Drug Take-Back Act. Provides that each covered manufacturer must, beginning January 1, 2024 (rather than no later than July 1, 2022) or 6 months after becoming a covered manufacturer, individually or collectively implement (rather than participate in) an approved drug take-back program. Requires a drug take-back program to provide for the collection, transportation, and disposal of covered drugs. Provides that specified requirements shall be undertaken by a drug take-back program or a covered manufacturer (rather than a manufacturer program operator).

[HB 3124](#), **Towing Database** passed out of the Senate Transportation Committee by a vote of 18-0-0. This bill provides that the Transportation Division of the Illinois Commerce Commission shall establish a statewide database in which any licensed tow operator may enter information regarding vehicles towed for safety or relocation purposes.

[HB 4251](#), **Competitive Bids** passed out of the Senate Labor Committee by a vote of 12-3-0. This bill provides that any purchase by a township for services, materials, equipment, or supplies in excess of \$30,000 (rather than \$20,000) shall be contracted in specified ways. Provides that contracts for construction work whose estimated cost will exceed \$30,000 (rather than \$20,000) for township waterworks and sewerage systems shall be let to the lowest responsible bidder.

[HB 4271](#), **INS Coverage** passed out of the Senate Insurance Committee by a vote of 11-0-0. This bill provides that a group or individual policy of accident and health insurance or a managed care plan that is amended, delivered, issued, or renewed on or after January 1, 2024 (rather than January 1, 2023) shall provide coverage for medically necessary breast reduction surgery.

[HB 4338](#), **INS Coverage** passed out of the Senate Insurance Committee by a vote of 11-0-0. This bill provides that a group or individual policy of accident and health insurance that is amended, delivered, issued, or renewed on or after January 1, 2024 that provides coverage for prescription drugs shall provide coverage for prenatal vitamins when prescribed by a physician licensed to

practice medicine in all of its branches or an advanced practice registered nurse licensed under the Nurse Practice Act.

[HB 4390](#), **Utilities Assistance Charge** passed out of the Senate Energy & Public Utilities Committee by a vote of 13-5-0. This bill provides that the energy transition assistance charge shall not exceed 1.3% of the amount paid per kilowatthour by eligible retail customers during the year ending May 31, 2009.

[HB 4410](#), **Real Estate** passed out of the Senate Financial Institutions Committee by a vote of 8-0-0. This bill creates the Real Estate Valuation Task Force Act.

[HB 4544](#), **Charitable Trust** passed out of the House by a vote of 69-42-0. This bill provides that moneys in the Charitable Trust Stabilization Fund may be used only for grants for the operational purposes of participating organizations (currently, may be used for start-up or operational purposes). Modifies the allocation of moneys deposited into the Fund for specified purposes. Removes provision requiring the State Treasurer to transfer specified amounts from the General Revenue Fund to the Charitable Trust Stabilization Fund.

[HB 4595](#), **340B** passed out of the Senate Insurance Committee by a vote of 11-0-0. This bill provides that a contract between a pharmacy benefit manager or third-party payer and a 340B entity or 340B pharmacy shall not contain specified provisions. Provides that a violation by a pharmacy benefit manager constitutes an unfair or deceptive act or practice in the business of insurance, and that a provision that violates the prohibition on certain provisions in a contract between a pharmacy benefit manager or a third-party payer and a 340B entity that is entered into, amended, or renewed after July 1, 2022 shall be void and unenforceable. In provisions concerning pharmacy benefit managers, provides that the provisions apply to contracts entered into or renewed on or after July 1, 2022 (rather than July 1, 2020). In provisions concerning pharmacy benefits, provides that a Medicaid managed care organization or pharmacy benefit manager administering or managing benefits on behalf of a Medicaid managed organization shall not include specified provisions in a contract with a 340B entity or 340B pharmacy. Provides that a provision that violates the prohibition on certain provisions in a contract between a Medicaid managed care organization or its pharmacy benefit manager and a 340B entity entered into, amended, or renewed after July 1, 2022 shall be void and unenforceable.

[HB 4818](#), **PFAS Incineration** passed out of the Senate Environment and Conservation Committee by a vote of 9-0-0. This bill provides that the disposal by incineration of any Toxic Release Inventory Perfluoroalkyl and

Polyfluoroalkyl Substances including, but not limited to, aqueous film forming foam, is prohibited. Provides the Illinois Environmental Protection Agency with rulemaking authority. Provides that nothing in the amendatory provisions applies to (i) the combustion of landfill gas from the decomposition of waste that may contain PFAS at a permitted sanitary landfill or (ii) the combustion of landfill gas in a landfill gas recovery facility that is located at a sanitary landfill (rather than providing that, if a rule or regulation is published by the USEPA in the Federal Register regarding all or part of the subjects of the amendatory provisions, one year after its publication the rule or regulation shall be controlling over the provisions of the amendatory provisions and any part of the amendatory provisions conflicting therewith shall be inoperative). Provides that "incineration" does not include thermal oxidizers when they are operated as a pollution control or resource recovery device at a facility that is using perfluoroalkyl or polyfluoroalkyl substances or chemicals containing perfluoroalkyl or polyfluoroalkyl substances.

[HB 5262](#), **Infrastructure Transparency** passed out of the House by a vote of 109-2-2. This bill creates the Infrastructure Delivery and Program Transparency Act. Provides for the creation of an Infrastructure Implementation Coordinator within the Office of the Secretary of Transportation to administer the Rebuild Illinois Program. Provides that the Office of the Secretary of Transportation shall develop a publicly available project information website that includes detailed information about each infrastructure project. Provides that the Coordinator shall track and make publicly available a master program, budget, and construction schedule and program metrics. Provides that after a review of the program metrics, the Coordinator shall implement improvements to the Rebuild Illinois Program in accordance with the established overall program budget and project schedule. Provides that the Department of Transportation and the Coordinator shall implement certain initiatives to assist the Department with meeting program goals.

[SB 62](#), **RUUPA Payroll Card** passed out of the House by a vote of 112-0-0 and has now passed both chambers.. This bill provides that for an amount held on a payroll card, an indication of owner interest includes wages from an employer under the Illinois Wage Payment and Collection Act in the form of a recurring Automated Clearing House credit previously authorized by the apparent owner. Provides that an Automated Clearing House credit is not an indication of owner interest if the holder assesses fees for account inactivity on the payroll card account.

[SB 1099](#), **Consumer Legal Funding** passed out of the House Judiciary-Civil Committee by a vote of 9-3-2. This bill creates the Consumer Legal Funding Act. Lawsuit lending is up in committee on Wednesday morning. An amendment was filed earlier today that makes the bill worse. We have two

problems with the legislation. First, the predatory interest rates could cause issues for potential settlements in the event of a lawsuit. Second, the lack of disclosure of the existence of such a contract. Sr. VP of Govt. Affairs Clark Kaericher testified on behalf of the Chamber in opposition to this bill.

[SB 1233](#), **Transportation Commission** passed out of the House Transportation: Regulations, Roads & Bridges Committee by a vote of 12-0-0. This bill creates the Blue-Ribbon Commission on Transportation Infrastructure and Policy. Provides that the Commission shall report a summary of its activities and produce a final report of its data, findings, and recommendations to the General Assembly by January 31, 2023.

[SB 1234](#), **EPA Inspection Station** passed out of the House by a vote of 105-05-1 and has now passed both chambers. This bill provides that, by October 1, 2022, the Illinois Environmental Protection Agency shall submit a report to the General Assembly containing its plan to replace the dismantled official inspection stations located in the City of Chicago. Provides that the plan shall consist of either a pilot program or a permanent replacement program, and shall provide information on the proposed locations of the new stations within the City of Chicago, information on programs implemented in other states, and a target date for full operation of all stations. Provides that the Agency shall issue a request for proposals related to its plan by January 1, 2023. Provides that the described plan shall also contain a timeline of actions, shall include procurement of services, technology, equipment, and other elements necessary to replace the former vehicle testing lanes, and shall state whether the replacement stations in the City of Chicago will utilize permanent self-service kiosks or other services. Provides that the plan shall also include the Agency's strategy of how best to inform people of the location and hours of operation of the new official inspection stations and conduct an informational campaign.

[SB 1435](#), **Hospitals** passed out of the House Human Services Committee by a vote of 14-0-0. This bill amends the Hospital Licensing Act. In provisions regarding a hospital in multiple locations operating under a single license, provides that, at the time of the application to operate under a single license, a hospital located in a county with fewer than 125,000 inhabitants may apply to the Department of Public Health for approval to conduct its operations from more than one location within contiguous counties in which both facilities are located, provided that the second county has fewer than 35,000 inhabitants.

[SB 1794](#), **Utilities** passed out of the House Revenue Committee by a vote of 11-7-0. This bill Amends the Local Taxpayer Bills of Rights with respect to Utilities. It takes the Statute of limitations that is currently four years for taxes collected and administered by local governments and moves them to five year of seven years. Also has troublesome provisions that require utilities to pay the cost of audits.

[SB 1915](#), **Plastic Procurement** passed out of the House by a vote of 66-44-2 and has now passed both chambers. This bill provides that when a State agency or institution of higher education contract (rather than only a State contract) is to be awarded to the lowest responsible bidder, an otherwise qualified bidder who will fulfill the contract through the use of compostable foodware or recyclable foodware may be given preference over other bidders unable to do so; provided that the bid is not more than 5% greater than the cost of products that are single-use plastic disposable foodware. Provides that the contract awarded the cost preference shall also include the option of providing the State agency or institution of higher education with single-use plastic straws. Prohibits the procurement and use of single-use plastic disposable foodware at State parks and natural areas.

[SB 2803](#), **UI Trust Fund** passed out of the House by a vote of 68-43-0 and passed out of the Senate 39-16-0. This bill, among other things, appropriates \$2,700,000,000 from the State Coronavirus Urgent Remediation Emergency Fund to the Department of Employment Security for payment to the Illinois Unemployment Insurance Trust Fund for partial repayment of Title XII advances, including prior year costs.

[SB 2981](#), **Design Build** passed out of the House State Government Administration Committee by a vote of 7-0-0. This bill creates the Innovations for Transportation Infrastructure Act. Contains a statement of legislative policy. Adds provisions governing: authorization of project delivery methods; preconditions to commencement of procurement; procurement; evaluation and selection of proposals; project records; confidentiality; public disclosure; design-build contracts; construction manager/general contractor contracts; funding and financing; minority, disadvantaged, and women-owned businesses; labor agreements; acquisition of property; federal requirements; powers of the Department of Transportation and the Illinois State Toll Highway Authority; and rulemaking gives Illinois a design-build construction option. Adds a provision requiring the implementation of a disadvantaged business enterprise program to include minority-owned and women-owned businesses and disadvantaged businesses when applicable under federal law. Adds provisions establishing a disadvantaged business enterprise liaison.

[SB 3613](#), **Hydrogen Economy Task Force** passed out of the House Energy & Environment Committee by a vote of 19-2-0. This bill creates the Hydrogen Economy Act. Creates the Hydrogen Economy Task Force. Provides for membership of the Task Force. Provides that members of the Task Force shall serve without compensation. Adds three members to the Hydrogen Economy Task Force: one member representing a non-profit energy research organization, appointed by the Governor; one representative of a trade association representing the investor-owned electric and natural gas utilities

and power generation companies in the State of Illinois, appointed by the Speaker of the House of Representatives; and one representative of a trade association representing wind and solar electric generators, renewable transmission companies, appointed by the President of the Senate.

[SB 3625](#), **Design Build Extension** passed out of the State Government Administration Committee by a vote of 7-0-0. This bill amends the Design-Build Procurement Act. Extends the repeal of the Act from July 1, 2022 to July 1, 2027.

[SB 3626](#), **Solid Waste Site Operator** passed out of the House Energy & Environment Committee by a vote of 17-5-0. This bill provides that a landfill site that accepts non-hazardous solid waste shall have a Solid Waste Site Operator Certification (rather than a Class A or a Class B Solid Waste Site Operator Certification). Provides that a landfill site which accepts special waste shall have a Solid Waste Site Operator certified by the Environmental Protection Agency. Provides that solid waste site operators shall be certified based on level of competency determined by examination and in accordance with educational and experience level as follows: (1) graduation from high school or equivalent and not less than 2 years (rather than 6 months) of acceptable study, training, and responsible experience in sanitary landfill operation or management, or not less than 7 (rather than 3) years of acceptable study training and responsible experience in operation or management of earth moving equipment; or (2) grammar school completion or equivalent and not less than 15 (rather than 5) years of acceptable study, training, and responsible experience in sanitary landfill operation or management. Provides that at the time of certificate renewal the applicant shall certify the completion of 15 (rather than 30) hours of continuing education covering the operation of landfills during the preceding 3 years. Provides that continuing education used to satisfy continuing education requirements must be approved by the Agency and must cover the design, operation, and maintenance of sanitary landfills, and for certificates that include a special waste endorsement, continuing education must cover the operation of landfills relative to the acceptance and disposal of special wastes. Provides that each application for a permit to drill, deepen, convert, or amend shall be accompanied by a fee of \$400 (rather than a fee not to exceed \$300). Provides that the fee for an application for a permit to oil lease road shall be \$150. Provides that the fees per well to be paid by the new owner for each transfer of well ownership shall be \$75 for the first 100 wells and \$50 for each subsequent well in excess of 100. Provides that the Department shall assess and collect annual well fees from each permittee in the amount of \$100 (instead of \$75) per well for the first 100 wells and a \$75 fee (instead of \$50) for each well in excess of 100 for which a permit is required under the Act.

[SB 3903](#), **Utilities** passed out of the House Public Utilities Committee by a vote of 18-0-0. This bill amends the Public Utilities Act. In provisions concerning the certification of alternative retail suppliers, provides that the Illinois Commerce Commission shall consider the applicant's commitment of resources to the management of sales and marketing staff, through affirmative managerial policies, independent audits, technology, hands-on field monitoring, and training. In provisions concerning the obligations of alternative retail electric suppliers, provides that an alternative retail electric supplier shall maintain sufficient managerial resources and abilities to provide the service for which it has a certificate of service authority. Provides that an alternative retail electric supplier shall file with the Commission a notification of any material change to the information supplied in a certification application within 30 days after the material change.

View the Chamber's full 102nd GA Key Bills List [here](#).

Weekly GAP Call

The Chamber will host a Government Affairs Professionals (GAP) call on **Monday, March 28th at 3:00 pm**. We will provide you the latest updates on what legislation we are watching. Call in information is provided below.

Please send any questions in advance to ckaericher@ilchamber.org.

Microsoft Teams meeting

Join on your computer or mobile app

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US Chamber: *America Works Initiative Survey*

In an effort to better quantify and understand the workforce challenges facing employers locally and across the nation, the Illinois Chamber is partnering with the U.S. Chamber of Commerce and other chambers of commerce to conduct a quick survey about labor force conditions across the country.

Please complete this brief survey by clicking [here](#). It should take less than 3 minutes to complete and will provide great insight. We thank you for your participation.

Seminar: Avoiding the Wrong Buyers in Export - Understanding denied parties and Vetting your Importers

Alex Sonifrank, Affinity and Partnerships Manager at the American World Trade Chamber of Commerce, has worked to vet registrations against their global trade platform for issuing trade documents and worked directly with US exporters experiencing challenges and risks in the global market. The AWTCC is focused on expanding US trade internationally.

When: Thursday, April 7, 2022 from 10:30 AM to 11:30 AM CDT

Registration for this online event can be found [here](#).

Illinois Chamber Key Legislation

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If you have questions about the Government Affairs Report, contact Clark Kaericher at ckaericher@ilchamber.org. Do not reply to this email.