



INFRASTRUCTURE COUNCIL



Newsletter

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February 17, 2023

The Infrastructure Council is an initiative of the Illinois Chamber that brings together Chamber members with a focus on increasing infrastructure investments in a strategic and thoughtful way to boost the overall business climate in Illinois. Our focus is on the public and private systems that are essential to Illinois businesses.

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Session Update

The House and Senate were both in Springfield this week for three days of session. Notably, the Governor's State of the State/Budget Address took place this past Wednesday, February 15th. No action of note occurred on the floor in

either chamber except for resolutions, personal messages and appointment messages. While many were canceled, committee hearings took place each day.

Hundreds of bills have been filed in the last 24 hours as the introduction deadline for substantive House bills was today, February 17th while the Senate deadline was last week. View the Senate [session calendar](#) for 2023. View the House 2023 [calendar](#).

FY24 Capital Budget

On Wednesday, the Governor's Capital Budget for FY24 was released to coincide with the State of the State/Budget Address. Of note, the FY24 Capital Budget includes \$4.97 billion in new appropriations.

New FY24 Appropriations by Agency (In Millions):

- Department Of Transportation: \$3,331.7
- Capital Development Board \$151.5
- Illinois Environmental Protection Agency: \$1,059.3
- Department Of Natural Resources \$244.6
- DCEO: \$97.0
- All Other Agencies: \$85.5

Read the full proposed FY24 capital budget [here](#).

View the list of FY24 capital projects [here](#).

Bills of Interest Committee Schedule

[HB 1105](#), **Eminent Domain** is posted for the House Public Utilities Committee on Tuesday. This bill provides that property belonging to a public utility that provides water or sewer service and that is subject to the jurisdiction of the Illinois Commerce Commission may not be taken or damaged by eminent domain without prior approval of the Illinois Commerce Commission. Excludes eminent domain actions commenced prior to the effective date of the amendatory Act. **The Chamber supports this bill.**

[HB 1345](#), **Water Utility Rates** is posted for the House Public Utilities Committee on Tuesday. This bill amends the Public Utilities Act. Provides that a public utility that provides both water and wastewater services may request, in a general rate case proceeding, that the Illinois Commerce Commission allocate a portion of the public utility's wastewater service revenue requirement for recovery through water service base rates, allocate a portion of the public utility's water service revenue requirement through wastewater base rates, or combine that public utility's water service and wastewater service revenue requirements. Provides that as part of a proceeding, the public utility shall present evidence to establish, and the Commission shall consider, specified factors. Provides that if the Commission finds that an allocation or combination is in the public interest, the Commission shall enter an order approving such allocation or combination of the public utility's water and wastewater service revenue requirements. Provides that the water service revenue requirement or wastewater service revenue requirement may not be increased by more than 2.5% through an allocation from the water service revenue requirement or wastewater service revenue requirement. Provides for notice to customers. Allows the Commission to adopt rules to implement the amendatory provisions. Repeals the amendatory provisions on December 31, 2026.

[HB 1409](#), **Contracting Goals** is posted for the House State Government Committee on Wednesday. This bill amends the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act. Provides that, in the procurement of architectural, engineering, and land surveying services and in the awarding of contracts for such services under the Act, not less than 30% of the total dollar amount of State contracts shall be established as an aspirational goal to be awarded to firms owned by minorities, women, and persons with disabilities. Provides that of that total amount of all State contracts awarded to firms owned by minorities, women, and persons with disabilities, contracts representing at least 16% shall be awarded to firms owned by minorities, contracts representing at least 10% shall be awarded to

women-owned firms, and contracts representing at least 4% shall be awarded to firms owned by persons with disabilities.

[HB 2231](#), **Common Carrier** is posted for the House Judiciary Committee on Wednesday morning. This bill amends the Transportation Network Providers Act and removes the decade plus protection of TNCs (Uber, Lyft) to lawsuit under the common carrier doctrine. **The Chamber opposes this legislation.**

[SB 1526](#), **IDOT App** is posted for the Senate Transportation Committee on Tuesday. This bill requires the Department to develop a mobile application that provides motorists with updated traffic conditions.

[SB 1653](#), **Hazard Bar** is posted for the Senate Transportation Committee on Tuesday. This bill requires the Department of Transportation, local authorities, or any responsible entity to erect and maintain hazard bars for all viaducts and underpasses with a clearance of less than 15 feet. Provides that the hazard bar shall hang at the same clearance level as the viaduct or underpass and at least 500 feet in front of the viaduct or underpass to alert motorists.

View the full House Committee Schedule [Here](#).

View the full Senate Committee Schedule [Here](#).

New Bill Introductions of Note

[HB 2288](#), **Veteran Procurement** was introduced. This bill amends the Illinois Procurement Code. Provides that, as used in a provision of the Code that establishes procurement goals for veteran-owned small businesses, the term "small business" means a business that has annual gross sales of less than

\$150,000,000 (rather than less than \$75,000,000) as evidenced by the federal income tax return of the business.

[HB 2300](#), **Illinois Works Jobs Credit** was introduced. This bill amends the Illinois Works Job Program Act. Provides that contractors or subcontractors may be eligible to earn bid credits for employing apprentices who have completed the Illinois Works Preapprenticeship Program (previously bid credits were available for public works contracted by the State). Provides that contractors and subcontractors can use bid credits toward future bids for public works projects contracted or funded by the State or an agency of the State in order to increase the likelihood that the contractor and the subcontractors are selected as the contractor for the public works project. Provides that, for contracts and grant agreements executed after the effective date of the amendatory Act, of a specified goal at least half of the labor hours of each prevailing wage classification performed by apprentices shall be performed by graduates of the Illinois Works Preapprenticeship Program. Provides that the Department of Commerce and Economic Opportunity may grant a reduction or waiver upon a determination that the contractor or subcontractor has demonstrated that insufficient graduates of the Illinois Works Preapprenticeship Program are available to meet the requirements. Provides that contractors and subcontractors must submit a certification to the Department and the agency that is administering the contract, or the grant agreement funding the contract, demonstrating that the contractor or subcontractor has not complied with the labor hour goals and did not receive a reduction or waiver. Provides the penalties for failing to comply with the Illinois Works Apprenticeship Initiative.

[HB 2322](#), **Water Reuse Task Force** was introduced. This bill creates the Water Reuse Task Force. Requires the Environmental Protection Agency to provide administrative and other support to the Task Force. Specifies voting and nonvoting members of the Task Force. Contains provisions regarding the Task Force's duties and reporting responsibilities. Requires the Task Force to recommend specified changes to administrative rules and to provide the recommendations to relevant State agencies. Provides that the Act is repealed on June 31, 2032.

[HB 2346](#), **Emissions Testing over 55** was introduced. This bill provides that an official emissions testing center shall reserve the first 30 minutes of its hours of operation to providing emissions testing to registered vehicle owners

over the age of 55. Provides that an official emissions testing center shall designate one service lane for testing only vehicles owned by customers over the age of 55.

[HB 2393](#), **Procurement** was introduced. This bill amends the Illinois Procurement Code. Provides that, within 45 days after the date that a written request for a change order is submitted by a contractor to a State agency or within 45 days after the date that authorization for extra work is issued by a State agency to a contractor, the State agency shall either: (i) issue the change order with an agreement on price; (ii) agree on price for the authorization for extra work; (iii) counter on price in writing; (iv) give written notice to the contractor of the reasons why the change order is unreasonable; (v) accept a partial agreement on price on some of the terms of the change order or extra work; or (vi) explain in writing that an additional 30 days are necessary to make a determination. Provides that if an additional 30 days is requested, then, after the 30 additional days have elapsed, the State agency shall either: (i) issue the change order with an agreement on price; (ii) agree on price for the authorization for extra work; (iii) counter on price in writing; (iv) give written notice to the contractor of the reasons why the change order is unreasonable; (v) accept a partial agreement on price on some of the terms of the change order or extra work; or (vi) explain in writing that an additional 15 days are necessary to make a determination. Provides that if an additional 15 days is requested, then, after every 15 additional days that elapse, as necessary, the State agency shall perform one of the specified actions. Provides that the State agency shall report quarterly on its website the total number of times the State agency requested additional time to make a determination and the total number of times the State agency requested additional time for such determination for each contract.

[HB 2397](#), **CDLs/Undocumented Individuals** was introduced. This bill provides that the Secretary of State may issue an intrastate non-domiciled CPL or intrastate non-domiciled CDL to a foreign national who is ineligible to obtain a social security number, if the foreign national presents to the Secretary a consular card or passport from the applicant's country of citizenship along with an individual tax identification number and proof of Illinois residency. Provides that an intrastate non-domiciled CDL or CLP shall be for purposes of transport within the State. Requires the words "intrastate non-domiciled CDL" or "intrastate non-domiciled CLP" to appear on the face of the non-domiciled CDL or CLP. Requires the applicant to surrender any non-domiciled CDL, license, or permit issued by any other state. Provides that

the Secretary shall adopt rules for the requirements of the issuance of a license in accordance with the provisions.

[HB 2415](#), **IDOT Advisory Committees** was introduced. This bill provides that the Department shall form advisory committees in each operating region of the State. Provides that the advisory committees shall be made up of at least one township highway commissioner and at least one county engineer. Provides that the advisory committee shall allow local residents of the operating region to have an input on road projects in the operating region and the Department's Multi-Year Improvement Program.

[HB 2462](#), **Crash Reporting** was introduced. This bill provides that the driver of a vehicle that is in any manner involved in a crash within this State, resulting in injury to or the death of any person, or in which damage to the property of any one person, including that of the driver, in excess of certain amounts is sustained, or of a vehicle that is in any manner involved in a crash in this State that involves a school bus, caused by a collision, a sudden stop, or otherwise, resulting in any property damage, personal injury, or death, or that is involved in a crash that occurs within 50 feet of a school bus in this State resulting in personal injury to or the death of any person while awaiting or preparing to board the bus or immediately after exiting the bus, shall, if no police officer is present, give notice of the crash by the fastest available means of communication to the local police department if such crash occurs within a municipality or otherwise to the nearest office of the county sheriff or nearest headquarters of the Illinois State Police. Provides that the Secretary of State shall suspend the driver's license or any nonresident driving privilege of any person who fails or neglects to report a crash as required by law.

[HB 2482](#), **Public Construction Bonds** was introduced. This bill provides that public construction bonds are required only for those public work construction contracts that are valued over \$5,000,000. Authorizes any official, board, commission, agent of the State, or any political subdivision of the State to create a self-insured risk pool for contracts of \$5,000,000 or less.

[HB 2514](#), **Firm Performance** was introduced. This bill amends the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act. Provides that the evaluation and response of a firm's performance upon

completion of contract shall not be made available to any other person or firm without the consent of the evaluated firm.

[HB 2525](#), **EV Charging** was introduced. This bill provides that by no later than January 1, 2028, the Department shall install direct current electric vehicle charging stations at each rest stop along each interstate highway in this State. Provides that, subject to approval by the United States Secretary of Transportation, the Department may charge an electric vehicle charging fee in an amount no greater than what is necessary to offset the cost to the State in constructing and maintaining the charging infrastructure and procuring electricity.

[HB 2531](#), **South Suburban Airport** was introduced. This bill Amends the Public-Private Agreements for the South Suburban Airport Act. Defines cargo-oriented development as the development of places that are both multimodal nodes of freight transportation and centers of employment in logistics and manufacturing businesses. Provides that the Department of Transportation shall (instead of may) establish a process for prequalification of offerors. Requires the Department to commence the prequalification process within 6 months after the effective date of the amendatory Act.

[HB 2634](#), **Capital Appropriations** was introduced. This bill makes appropriations and reappropriations for the fiscal year beginning July 1, 2023.

[HB 2721](#), **Water & Sewer Utility Surcharge** was introduced. This bill amends the Public Utilities Act. In provisions concerning water and sewer surcharges, removes language allowing the Illinois Commerce Commission to authorize a water or sewer utility to file a surcharge which adjusts rates and charges to provide for recovery of costs associated with an investment in qualifying infrastructure plant.

[HB 2771](#), **Rejection of Bid** was introduced. This bill provides that if a bidder has failed to be awarded a contract after 4 consecutive bids to provide the same services to a single agency, the applicable chief procurement officer for that agency shall in writing detail why all 4 bids were rejected. Provides that the

chief procurement officer shall submit by certified copy to the bidder the reasoning for the rejection of the bid within the same quarter in which the 4th bid was rejected and prior to 15 days before the next Illinois Procurement Bulletin for that type of bid.

[HB 2781](#), **Bridges was introduced**. This bill Provides that the General Assembly shall annually appropriate to the Department of Transportation \$60,000,000 (instead of \$15,000,000) for apportionment to counties for the use of road districts for the construction of bridges 20 feet or more in length. Provides that funds that are not obligated within 72 (instead of 48) months shall revert to the Road Fund.

[HB 2816](#), **Small Business Subcontractor** was introduced. This bill Provides that a small business subcontractor may enter into an agreement with the Department of Transportation to receive direct payments from the Department on a construction project. Amends the State Prompt Payment Act. Requires contractors to pay each subcontractor and material supplier within 7 business days after receiving payment (currently, 10 business days or 15 calendar days). Provides that when a State official or agency responsible for administering a contract submits a voucher to the Comptroller for payment to a small business subcontractor who enters into a specified contract under the Department of Transportation Law, that State official or agency shall make available electronically the voucher information. Provides that if a contractor is assessed liquidated damages from the State, the contractor is still responsible to each subcontractor under subcontracts. Provides that contractors are responsible for reasonable attorney's fees if an administrative law judge finds in favor of the subcontractor. Provides that if a contractor with the Department or a small business subcontractor claims that additional payment is due under the terms of the contract, and the Department of Transportation has not agreed that payment is due, the contractor or subcontractor desiring to pursue additional compensation shall file a claim according to the requirements and procedures specified by the Department. Provides that, if the claim, after consideration by the Department, is found to have merit, the Department will make an equitable adjustment.

[HB 2837](#), **Video Gaming Funds** was introduced. This bill amends the Video Gaming Act. Provides that for revenue generated under provisions concerning imposition and distribution of tax after \$850,000,000, funds shall be distributed as follows: one-sixth shall be distributed to the Department of

Human Services Community Services Fund for mental health services and treatment; one-sixth shall be distributed to the Local Government Distributive Fund; and two-thirds shall be distributed to the Capital Projects Fund.

[HB 2906](#), **BEP** was introduced. This bill amends the Business Enterprise for Minorities, Women, and Persons with Disabilities Act. Provides that certain economically disadvantaged persons, among other specified individuals, are considered minority persons under the Act. Provides additional requirements concerning qualification as a socially disadvantaged person. Defines "economically disadvantaged person". Provides requirements concerning qualification as an economically disadvantaged person.

[HB 2913](#), **Autonomous Vehicles** was introduced. This bill creates the Safe Autonomous Vehicle Act. Provides definitions. Provides that upon notification to the Secretary of State, a Motor Vehicle Manufacturer may commence a safe autonomous vehicle project with a vehicle installed with an Automated Driving System after providing notification to the Secretary of State and after self-certification under certain conditions. Provides that the Manufacturer shall determine the geographical boundaries of the project and shall maintain incident records and provide periodic summaries to the Secretary of State and the National Highway Traffic Safety Administration. Provides that the Participating Fleet in the program shall be insured by the Manufacturer who shall assume liability for incidents where the automated driving system technology is at fault for that incident. Provides that any person operates a vehicle with automated driving system technology without first satisfying the eligibility requirements in the Act shall be fined \$10,000 for a first violation and a second or subsequent violation is a Class A misdemeanor.

[HB 2934](#), **Vehicle Franchise Warranty** was introduced. This bill amends the Motor Vehicle Franchise Act. Restores the provisions that were amended by Public Act 102-232 to the form in which they existed before their amendment by that Public Act.

[HB 2945](#), **FOIA/Proposals** was introduced. This bill amends the Freedom of Information Act. Provides that proposals or bids submitted by engineering consultants in response to requests for proposal or other competitive bidding

requests by the Department of Transportation or the Illinois Toll Highway Authority are exempt from disclosure under the Act.

[HB 3017](#), **Business Assistance** was introduced. This bill amends the Business Assistance and Regulatory Reform Act. Modifies requirements concerning the Office of Business Permits and Regulatory Assistance. Provides that the Office shall implement reforms to improve interagency coordination and encourage expeditious permit issuance. Provides that the Office shall use information technology tools to track project schedules and metrics in order to improve transparency and accountability of the permitting process, reduce uncertainty and delays, and reduce costs and risks to taxpayers. **This is a Chamber Initiative.**

[HB 3053](#), **Counties Procurement** was introduced. This bill provides that a county may establish goals, based upon a legally defensible disparity study, for the procurement of goods and services to promote and encourage the continuing economic development of: (1) minority-owned and minority-operated businesses; (2) women-owned and women-operated businesses; (3) businesses owned and operated by persons with disabilities; and (4) businesses owned and operated by veterans of the armed forces of the United States. In the County Design-Build Authorization Division of the Code, provides that, rather than evaluating design-build proposals to see if they comply with the utilization goals for business enterprises established in the Business Enterprise for Minorities, Women, and Persons with Disabilities Act and provisions of the Illinois Human Rights Act, design-build proposals may be evaluated to determine if the proposals meet the county's contracting goals for the county's program for disadvantaged business enterprises based on the county's most recent, legally defensible disparity study.

[HB 3374](#), **EV Recycling** was introduced. This bill provides that, within 60 days after the Act's effective date, manufacturers of electric vehicles that contain hazardous components and batteries must begin to implement a collection program that facilitates the removal of hazardous components and batteries from end-of-life vehicles prior to the electric vehicles being flattened, crushed, shredded, or otherwise processed for recycling and to collect and properly manage hazardous components and batteries in accordance with the Environmental Protection Act. Provides that, within 90 days after the Act's effective date, manufacturers of vehicles that contain hazardous components and batteries that cannot be reused and are deemed to be hazardous, must

submit to the Environmental Protection Agency an implementation plan that describes how the collection program will be carried out for the duration of the program. Requires the Agency to provide assistance to manufacturers in their implementation of the collection program. Contains provisions regarding violations and penalties under the Act and indemnification for manufacturers.

[SB 2181](#), **Concrete Procurement** was introduced. This bill provides that, when 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 low embodied carbon concrete may be given preference over other bidders unable to do so if the cost included in the bid using low embodied carbon concrete is not more than 10% greater than the cost in the bid not using low embodied carbon concrete. Provides that contracts entered into under the provisions may also include, at the discretion of the contracting State agency, a price preference of up to 10% for environmentally preferable materials.

[SB 2329](#), **Highway Cameras** was introduced. This bill Establishes that funds from the Illinois State Tollway Highway Authority may be used for installation and maintenance of the camera systems, telecommunications costs, data storage costs, and for camera warranties. Provides that cameras shall be interoperable with the Illinois State Police current camera system. Makes other changes. Amends the Freedom of Information Act. Provides that the provision exempting images from cameras under the Expressway and Highway Camera Act are inoperative on and after July 1, 2025 (rather than 2023).

[SB 2447](#), **Bloomington-Normal Airport** was introduced. This bill amends the Airport Authorities Act. Expands the corporate limits of the Bloomington-Normal Airport Authority to all of McLean County. Provides that, after the expiration of the terms of the at-large members of the Commission of the Bloomington-Normal Airport Authority, the at-large members may be appointed from anywhere within McLean County.

Rulemaking

There was no rulemaking of note for this Council in the February 17th edition of the [Illinois Register](#)



Register Today - Chamber Day 2023

When: Tuesday, April 18,
2023 from 9:30 AM to 1:00
PM CDT

Where: President Abraham
Lincoln A Double Tree by
Hilton

701 East Adams Street

Springfield, IL 62701

Register [Here](#)

Articles of Interest

[John Deere makes massive donation to FFA](#)

[Mayor Lightfoot still sees chance to stop Chicago Bears' move to Arlington Heights: 'We want to do everything we can'](#)

[Illinois Chamber Opposing FTCs Proposed Rule Ban Non competes](#)

[The state has extra cash. Here's how Pritzker wants to spend it.](#)

[Here are 5 takeaways from Pritzker's 2024 budget proposal](#)

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