



ILLINOIS CHAMBER

GOVERNMENT AFFAIRS

Report

February 18th, 2022

This Week in Illinois

Chamber Day Keynote Speakers Announced: Welch, Durkin

The Illinois Chamber is pleased to announce that Illinois Speaker of the House Emanuel "Chris" Welch will be addressing attendees at Chamber Day 2022 on Wednesday, March 2nd. Speaker Welch will be joined at Chamber Day by his counterpart, House Republican Leader Jim Durkin. Both House Leaders will provide their valued insight into the 2022 Legislative Session.

The Illinois Chamber is excited to bring the voices of these keynote speakers and much more to local chambers and guests from across the state at Chamber Day 2022.

View the full agenda [here](#). View more Chamber Day [registration information](#) at the bottom of this newsletter.

Session Update

Both the House and Senate returned to Springfield on Tuesday for a busy day of in-person session. Floor action was brief in both chambers with most action occurring in committees. On Wednesday, floor Action in the Senate was more

extensive. The Senate adjourned on Thursday while the House came into session briefly on Friday morning. Both chambers return on Tuesday, February 22nd for four days of scheduled action.

The deadline for substantive bills to be moved out of House Committees was Friday, February 18th. With this being House deadline week, there was an abnormally large number of bills posted for hearings and moved out of committee.

View the Senate Committee schedule for next week [here](#). View the House committee schedule [here](#). Rail report subscribers will continue to get daily updates.

Chamber Testimony

While there are many bills we were tracking this week, here are for bills that we want to highlight as the Chamber was scheduled to provide testimony on each.

- [HB 2767](#), **Powerplant Demolition** passed out of Committee 16-8-0. Vice President of Government Affairs Clark Kaericher testified in opposition to in the House Energy and Environment Committee earlier this week. The bill was being used as a vehicle for an amendment yet to come, and the sponsor wished to move the bill out of committee for deadline compliance. The proposed amendment would deal with power plant demolition to impose new standards after an unfortunate 2020 incident. However, [SB 1920](#) was passed just last year to address this very issue. The Governor signed those changes into law just last August. Changing the law again, before this new law has time to take effect, is not the best way to conduct public policy.
- [HB 3061](#) creates the “Digital Fair Repair Act”. The name is misleading as this would apply to every industry except for automobiles. Most colloquially refer to this issue as “Right to Repair”. Right to Repair legislation has been introduced in nearly every state and in Illinois numerous times but has yet to become law in any state. The Illinois Chamber has consistently opposed any so-called right to repair legislation. Chamber President & CEO Todd Maisch was scheduled to testify. **Thankfully, this measure was not called in committee and the House committee deadline has now passed. We continue to have significant reservations on this issue.**
- [HB 4968](#), **Punitive Damages** is scheduled to be heard in the House Judiciary - Civil Committee on Wednesday morning. This

bill allows for the recovery of punitive damages in a wrongful death action. President & CEO Maisch is scheduled to testify in opposition. While we were scheduled to testify in opposition, this bill was not called in Committee. **The Chamber opposes this measure as it would have further worsened Illinois' judicial climate.**

- [HB 5395](#), **Manufacturer ROT Payment** passed out of the House Transportation: Vehicles & Safety Committee on Wednesday by a vote of 8-4-0. This bill provides that, if a manufacturer exercises a right of first refusal in order to terminate a dealership that paid at least 10% of the local retailers' occupation tax imposed by the municipality or county where the terminated dealership is located during the calendar year immediately prior to the termination, then, for a period of 20 consecutive years after the dealership is terminated, the manufacturer must pay to the municipality or county in which the terminated dealership was located an amount equal to the certified local retailers' occupation tax amount. Provides that the certified local retailers' occupation tax amount is the highest amount paid by the dealership in any of the 5 years immediately prior to the year in which the dealership was terminated. President & CEO Maisch testify in opposition. This would be unprecedented in Illinois law. It interferes with the private right of contract; it discourages right sizing of businesses, and it will hinder further expansion- companies will be forced to reassess before opening a new location thus harming the small towns the sponsor seeks to help. The sponsor committed to bringing the bill back to committee and pledged to work with opponents, however compromise will be hard to find.

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

Bills of Interest with Floor Action:

[SB 670](#), **Licensing Applications** passed the Senate by a vote of 54-0-0. This bill states that the Division of Professional Regulation of the Department of Financial and Professional Regulation shall process an application for a license within 4 weeks after receiving a complete application that contains no deficiencies.

[SB 2951](#), **Hospitals Income Tax Credit** passed the Senate by a vote of 54-0-0. This bill extends the income tax credit for certain hospitals through taxable years ending on or before December 31, 2027 (currently, December 31, 2022).

[SB 2984](#), **Youth Entrepreneur** passed the Senate by a vote of 54-0-0. This bill modifies requirements concerning entrepreneurship assistance centers to include assistance to youth entrepreneurs. Defines "youth entrepreneur".

[SB 3005](#), **EV Task Force** passed out of the Senate by a vote of 54-0-0. This bill provides that the Task Force shall include one member from an association representing automobile manufacturers.

[SB 3795](#), **County Design Build passed the Senate unanimously**. This bill creates the County Design-Build Authorization Division in the Counties Code. Provides that a county may enter into design-build contracts. Includes scope and performance criteria for design-build contracts, a two-phase procedure for selection of contracts, requirements for submission of proposals, procedures for awarding contracts, and requirements of reports and evaluation of contracts. Provides that, if the total overall cost of a project is estimated to be less than \$12,000,000, the county may combine the two-phase procedure for selection into one phase.

[SJR 48](#), **LIG** passed the House 77-16-19 and the Senate by a vote of 37-17-1 and has been adopted. This resolution appoints Hon. Michael P. McCuskey as Legislative Inspector General.

Bills of Interest with Committee Action this Week:

[HB 209](#), **Latex Gloves Ban** passed out of the Consumer Protection Committee by a vote of 6-0-0. This bill provides that a food service establishment may not permit employees to use latex gloves in the preparation and handling of food. Provides that, to encourage compliance, a food service establishment shall receive a notification of warning for the first violation.

[HB 2382](#), **Healthy Food** passed out of the House Agriculture & Conservation Committee by a vote of 8-0-0. This bill creates the Healthy Food Program Development Act. Provides that the Department of Agriculture may coordinate with the Department of Commerce and Economic Opportunity to establish a Healthy Food Development Program to expand access to healthy foods in eligible areas in the State by providing assistance to grocery stores, corner stores, farmers' markets, and other small food retailers. Provides that the benefits provided shall be awarded to grocery stores, corner stores, farmers' markets, and other small food retailers in eligible areas on a competitive basis, with priority given to projects with the greatest potential impact to expand access to healthy foods in eligible areas that are underserved by retail sales of healthy food in the State.

[HB 2423](#), **Temp Nursing Assistants** passed out of the Human Services Committee by a vote of 15-0-0. This bill provides that the Department of Public

Health shall certify the Temporary Nursing Assistant Training Program that it implemented by emergency rule. Provides that the Department shall deem an individual who has completed a training program and competency assessment under the Temporary Nursing Assistant Training Program as satisfying the requirement of completing a nurse aide training and competency evaluation program approved by the State under specified eligibility provisions. Provides that a person shall be deemed to have completed the eligibility provisions if they have completed all nursing assistant training and competency evaluation program requirements and shall be placed on the State nurse aide registry as "active". Provides that temporary nursing assistants must enroll in an approved certified nursing assistant training program no later than 2 years after completion of the Temporary Nursing Assistant Training Program. Provides that, once enrolled in the certified nursing assistant training program, the individual may work as a nursing assistant in training and continue to practice the same skills he or she did as a temporary nursing assistant and new competencies he or she has learned in his or her certified nursing assistant training.

[HB 3749](#), **Unfair Labor Practice** passed out of the House Labor & Commerce Committee by a vote of 18-11-0. This bill provides that it shall be an unfair labor practice for a labor organization or its agents to require an employee or an applicant for an employment position to possess a driver's license for the purpose of job placement or testing. Provides that any State-issued identification card shall be sufficient for purposes of job placement or testing.

[HB 4116](#), **Right to Privacy Drug Testing** passed out of the Labor & Commerce Committee by a vote of 15-12-0. This bill, as amended, provides that discharge for the presence of tetrahydrocannabinol is permissible if the employee works in a safety sensitive position, if the employee demonstrates impairment, or if the test results for tetrahydrocannabinol exceeds the limits under specified provisions of the Illinois Vehicle Code. Replaces references to "cannabis" with "tetrahydrocannabinol" and "premises" with "workplace". Provides that nothing in the Act prohibits an employer from enforcing a pre-employment drug testing policy, random drug testing policy, or a drug-free workplace policy or from disciplining an employee or withdrawing a job offer to an applicant for violating such policy if the policy is applied to employees working in safety sensitive positions.

[HB 4274](#), **Sound Insulation Advisory Committee** passed out of the House Transportation: Regulations, Roads & Bridges Committee by a vote of 13-0-0. This bill allows the Minority Leader of the House of Representatives and the Minority Leader of the Senate to appoint one member each to an advisory committee that determines which homes contain windows or doors that cause offensive odors and are eligible for replacement pursuant to the Residential

Sound Insulation Program. Effective immediately or the date that House Bill 106 takes effect, whichever is later.

[HB 4349](#), **INS Coverage** passed out of the Insurance Committee by a vote of 16-0-0. This bill provides that coverage for congenital defects shall include the treatment of cleft lip and cleft palate. Provides that an individual or group policy of accident and health insurance amended, delivered, issued, or renewed on or after the effective date of the amendatory Act shall provide coverage for the medically necessary care and treatment of cleft lip and palate for children under the age of 19. Provides that coverage for cleft lip and palate care and treatment may impose the same deductible, coinsurance, or other cost-sharing limitation that is imposed on other related surgical benefits under the policy.

[HB 4390](#), **Utilities Assistance** passed out of the Energy & Environment Committee by a vote of 17-6-0. 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 4412](#), **Athletic Trainers** passed out of the Health Care Licenses Committee by a vote of 8-0-0. This bill provides that the definition of "health care professional" includes athletic trainers.

[HB 4595](#), **PBM** passed out of the Prescription Drug Affordability & Accessibility Committee by a vote of 18-0-0. This bill provides that a contract between a pharmacy benefit manager or third-party payer and a covered entity under Section 340B of the federal Public Health Service Act 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 covered entity that is entered into, amended, or renewed after July 1, 2022 shall be void and unenforceable. 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 covered entity or with any pharmacy owned by or contracted with the covered entity. Provides that a violation by a Medicaid managed care organization or its 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 Medicaid managed care organization or its pharmacy benefit manager and a 340B covered entity entered into, amended, or renewed after July 1, 2022 shall be void and unenforceable.

[HB 4603](#), **COVID-19 Testing Licensing** passed out of the Health Care Licenses Committee by a vote of 8-0-0. This bill provides that the Department

shall develop a comprehensive licensing and registration process for sites that test for COVID-19. Provides that after developing the comprehensive licensing and registration process, the Department shall require that sites that test for COVID-19 be licensed and registered by the Department. Requires the Department of Public Health to recommend new standards for labs that test for COVID-19 and have opened since 2021. Requires the Department to ensure that it maintains an adequately staffed hotline to receive complaints about COVID-19 testing sites and labs. Contains provisions concerning standards for the timeliness of test results; methods of contacting patients; reporting; and penalties.

[HB 4711](#), **Pesticides** passed out of the Energy & Environment Committee by a vote of 16-8-0. This bill provides that for any person applying a pesticide that results in exposure to the pesticide by a human, the penalty shall be \$2,500. Provides that an additional penalty of \$1,000 shall be assessed for each individual human exposed to the pesticide.

[HB 4764](#) **Trucks, Local Governments** failed to advance by a vote of 4-7-0 in the House Transportation Committee. For a year after the effective date, no unit of local government, including a home rule unit, may enact or enforce an ordinance that restricts the operation of delivery trucks to certain times of the day. Provides that a unit of local government may regulate delivery trucks for traffic control purposes or in accordance with the Sections of the Code concerning mufflers, the prevention of noise, and engine braking.

[HB 4988](#), **Water Supply** passed out of the Energy & Environment Committee by a vote of 23-0-0. This bill requires public water supply operators to notify specified health care facilities at least 30 days prior to any known, planned, or anticipated disruption event and within one hour after being aware of an unplanned disruption event. Provides that any planned or unplanned disruption event notification sent to a health care facility shall be sent to the Environmental Protection Agency and the Department of Public Health and shall be posted on the public water supply operator's website.

[HB 5035](#), **Pilot Program** passed out of the State Government Administration Committee by a vote of 8-0-0. This bill provides that the Department of Transportation may implement a 5-year pilot program to allow a contractor to provide a non-diminishing irrevocable bank letter of credit in lieu of specified bond requirements on contracts under \$500,000. Provides that projects selected by the Department of Transportation for the pilot program must be classified by the Department as low-risk scope of work contracts. Provides for the adoption of rules concerning the criteria for pilot project selection and implementation of the pilot program.

[HB 5128](#) **Pharmacy Quota** passed out of the Health Care Licenses Committee by a vote of 5-3-0. This bill provides that an owner of a pharmacy shall not establish a quota related to the duties for which a pharmacist, pharmacist student, or pharmacy technician is required to perform. Provides that the new provisions do not prohibit a pharmacy from establishing policies and procedures that assist in assessing the competency and performance of a pharmacist, pharmacist student, or pharmacy technician in providing care to patients if the measures do not include quotas. Provides that the Department of Financial and Professional Regulation may take enforcement action against a pharmacy that does not follow the new provisions unless, by clear and convincing evidence, the pharmacy demonstrates that the violation was contrary to its policy.

[HB 5165](#), **Cybersecurity** passed out of the Cybersecurity, Data Analytics & IT Committee by a vote of 14-0-0. This bill requires a local government official or employee to be chosen to act as the primary point of contact for local cybersecurity issues. Amends the Illinois Information Security Improvement Act. Requires the Secretary of Innovation and Technology to establish a cybersecurity liaison program to advise and assist units of local government and school districts concerning specified cybersecurity issues. Provides for cybersecurity training for employees of counties, municipalities, and school districts. Amends the Illinois Procurement Code. Provides that State agencies are prohibited from purchasing any products that, due to cybersecurity risks, are prohibited for purchase by federal agencies pursuant to a United States Department of Homeland Security Binding Operational Directive.

[HB 5194](#), **Banking District** passed out of the Financial Institutions Committee by a vote of 10-0-0. This bill creates the Banking Development District Act. Establishes a banking development district program. Provides that the Department of Financial and Professional Regulation shall, in consultation with the State Treasurer, adopt rules that set forth the criteria, including specified factors, for the establishment of banking development districts. Provides that the governing board of a local government, in conjunction with a depository institution, may submit an application to the Department for the designation of a banking development district. Provides that the boundaries of the proposed banking development district shall include property on which the depository institution plans to make improvements to establish a banking branch.

[HB 5326](#), **Corporations State Contractor** passed out of the State Government Administration Committee by a vote of 5-3-0. This bill provides that as soon as practical after the effective date of this amendatory Act, but no later than January 1, 2023, a corporation that has contracts with the State shall include as part of its annual report submitted to the Secretary of State under this Act a list of its suppliers and a description of the corporation's process for

identifying and evaluating suppliers, including whether and, if so, how demographic diversity is considered.

[HB 5454](#), **INS COVID-19 Testing Coverage** passed out of the Insurance Committee by a vote of 16-0-0. This bill provides that a group or individual policy of accident and health insurance that is amended, delivered, issued, or renewed on or after the effective date of the amendatory Act shall provide coverage for testing for the detection or the diagnosis of COVID-19 without imposing a deductible, coinsurance, copayment, or any other cost-sharing requirement or a prior authorization requirement on the coverage provided if the purpose of the testing is for individualized diagnosis or treatment of COVID-19, in accordance with the requirements of the Families First Coronavirus Response Act and the Coronavirus Aid, Relief, and Economic Security Act. Provides that a testing site that provides services for testing for the detection or the diagnosis of COVID-19 shall collect accident and health insurance information from patients.

[SB 2173](#), **Apprentice** passed out of the Senate Revenue Committee by a vote of 8-0-0. This bill provides that an apprentice who is hired by the taxpayer through the United States Department of Defense SkillBridge internship program is considered a qualifying apprentice for the purpose of the apprenticeship education expense credit. Provides that, in the case of an employee participating in the SkillBridge program, the credit shall be equal to \$3,500 per qualifying apprentice.

[SB 2912](#), **Public Works** passed out of the Senate Local Government Committee by a vote of 5-1-0. This bill provides that a superintendent of a department of public works shall be a registered professional engineer, hold a degree in engineering from an accredited institution of higher learning, or have at least 10 years of professional, management-level experience in either a municipal or county public works department (rather than the superintendent shall be a registered professional engineer).

[SB 3477](#) **Vacancy Fraud Act** passed out of Senate Judiciary Committee by a vote of 6-2-0. This bill creates the Vacancy Fraud Act. Allows a taxing body or representative of a taxing body to file a vacancy fraud complaint with the county board of review if property is receiving vacancy relief and the property owner is not actively attempting to lease, sell, or alter the property. Sponsor said that if she cannot alleviate all the concerns of opponents, she will not bring it back until next year.

[SB 3650](#), **Mortgage** passed out of the Senate Judiciary Committee by a vote of 7-0-0. This bill provides that an action to establish an equitable mortgage or equitable lien against real estate or a claim for subrogation to a prior mortgage shall be commenced within 10 years after the cause of action accrues. Provides

that no person shall commence an action to foreclose any equitable mortgage, equitable lien against real estate, or subrogor's mortgage, unless the action is filed within 10 years after the cause of action accrues. Provides that, with exceptions, a cause of action accrues when the debt held by the equitable mortgagee, equitable lien claimant, or subrogee is in default by way of maturity, acceleration, demand, or otherwise.

Weekly GAP Call

The Chamber will host a Government Affairs Professionals (GAP) call on **Monday, February 21st at 3:00 pm**. We will provide you the latest updates on what legislation we are watching this Spring. Call in information is provided below.

Note: While it is a holiday, GAP Call will continue as planned due to this week's scheduled Session.

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

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Chamber Day 2022 Registration

On March 2nd, 2022 the Illinois Chamber will host our fifth annual Chamber Day. The event will take place in-person in Springfield at the President Abraham Lincoln Hotel, A Double Tree by Hilton.

When: Wednesday, March 2, 2022
from 9:30 AM to 1:00 PM CST

Contact Information: Callie Brenden

Illinois Chamber of Commerce
217-361-6493
cbrenden@ilchamber.org

View the registration link for more information [here](#).

**Call to Action: Researching Interest in Illinois Chamber's
MEP 401(K) Plan**

A multiple employer plan is a qualified retirement savings plan that is sponsored by one lead company. Although it is a single plan from the perspective of the federal government, each company that adopts the plan is able to specify its own plan provisions.

As a result, you get the best of both worlds. You can offer a 401(k) to your employees that meet your company's unique objectives, because you are not the plan sponsor, you won't have the hassle and responsibility of sponsoring your own plan.

Please take a moment to answer a few questions [here](#).

Illinois Chamber Key Legislation

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