



GOVERNMENT AFFAIRS

Report

July 9th, 2021

This Week in Illinois

Illinois Receives Bond Rating Upgrade

This week, the State of Illinois [received](#) its first bond rating upgrade in almost 25 years from S&P. S&P Global Ratings, one of the "big three" credit rating agencies upgraded the state's rating on general obligation bonds from BBB- to BBB. Just last week, Moody's Investor Service upgraded the state's bond rating as well.

Cited [reasons](#) for the upgrade include the decline of COVID-19 as a severe economic threat, decreased political gridlock in Springfield and the most recent budget passed by the General Assembly. Better-than-expected tax revenue in the past year was also a cited factor for the upgrade.

S&P did note that Illinois' under-funded pension system and other outstanding liabilities are still a negative influence on the state's financial health.

This comes after Fitch Ratings, another one of the nation's three premier credit rating agencies, updated its economic forecast for Illinois from negative to

positive at the end of June. Moody's and S&P, also switched Illinois' economic outlook earlier this year.

Session Update

The House remains adjourned until the call of the Speaker. The Senate also remains adjourned until the call of the Senate President.

Both the House and the Senate released the dates for the Fall 2021 Veto Session. Both Chambers will be in session October 19th-21st and October 26th-28th. At this time there are no additional session dates scheduled.

Discussions between stakeholders on an omnibus energy package continue but no major developments have occurred.

Bills of Interest Awaiting Governor's Action:

[HB 53](#) (Andrade) **AI Interviews** Provides that employers that rely solely upon artificial intelligence to determine whether an applicant will qualify for an in-person interview must gather and report certain demographic information to the Department of Commerce and Economic Opportunity. Requires the Department to analyze the data and report to the Governor and General Assembly whether the data discloses a racial bias in the use of artificial intelligence. This bill passed the Senate 43-11 and the House 112-5. This bill has been sent to the Governor.

[HB 117](#): **SECURE CHOICE SAVINGS PROGRAM** (Rep. Guzzardi D-Chicago/Sen. Martwick D-Chicago) As amended, the Act will apply to employers with at least 5 employees, rather than at least one employee. (Current law applies to employers with more than 25 employees.) Newly covered employers will be done in two waves – employers with 16 to 24 employees will have a deadline to comply of no sooner than September 1, 2022 and employers with 5-15 employees will have a deadline to comply of no sooner than September 1, 2023. Small employers may, but are not required to, establish payroll deduction arrangements for retirement savings arrangements. Modifies the enforcement process so that employers have an additional chance to come into compliance after receiving the notice of proposed assessment from the Department of Revenue – they will be given 120 days to come into compliance and if they do, any penalty fees assessed will be waived. The Chamber was neutral.

[HB 253](#) (Buckner) **IDOT Asset Management** This bill requires the Department of Transportation to establish and implement a transportation performance program for all transportation facilities under its jurisdiction. The Department shall develop a risk-based, statewide highway system asset management plan to preserve and improve the conditions of highway and bridge assets and enhance the performance of the system while minimizing

life-cycle cost. The asset management plan shall include, at a minimum, strategies leading to a program of projects that would make progress toward achievement of targets for asset condition and performance of the State highway system. IDOT shall develop a performance-based project selection process to prioritize taxpayer investment in transportation assets that go above and beyond maintaining the existing system in a state of good repair and to evaluate projects that add capacity. This bill has been sent to the Governor.

[HB 414](#), **Water & Sewer Assistance** This bill Creates the Water and Sewer Financial Assistance Act. Provides that specified water or sewer utilities shall be allowed to offer a financial assistance program designed for bill payment assistance for low-income customers in accordance with the Water and Sewer Financial Assistance Act. Provides that the costs of a financial assistance program offered by a water or sewer utility shall be reimbursed from the Water and Sewer Low-Income Assistance Fund. The Chamber supports this bill.

[HB 645](#) (Evans) **Future of Work Taskforce** This bill creates the Illinois Future of Work Task Force to study the future of work and submit a final report to the Governor and the General Assembly no later than May 1, 2022. We flagged this task force as we believe it will study critical issues such as the importance of the “gig economy” and its proposals may serve as a trojan horse for gig economy proposals. This bill has been sent to the Governor.

[HB 2411](#) (Davis) **Data Center** Amends the data center exemption to change the required timeframe for green energy certification as a condition of qualifying for the exemption from 90 days to 2 years. This bill has been sent to the Governor.

[HB 3308](#), **Telehealth** This bill, as amended, provides that an individual or group policy of accident or health insurance that is amended, delivered, issued, or renewed on or after the effective date of the amendatory Act shall cover telehealth services, e-visits, and virtual check-ins rendered by a health care professional when clinically appropriate and medically necessary to insureds, enrollees, and members in the same manner as any other benefits covered under the policy. Provides that an individual or group policy of accident or health insurance may provide reimbursement to a facility that serves as the originating site at the time a telehealth service is rendered. Sets forth provisions with which coverage for telehealth services shall comply. Provides that an individual or group policy of accident or health insurance shall notify health care professionals and facilities of any instructions necessary to facilitate billing for telehealth services, e-visits, and virtual check-ins. Provides that the Department of Insurance and the Department of Public Health shall commission a report to the General Assembly and shall submit the report by December 31, 2026. Provides that the Department of Insurance may adopt rules to implement the provisions. Provides that specified provisions are

inoperative on and after January 1, 2028. Removes provisions concerning the Telehealth Payment Parity Task Force. Defines terms. Further amends the Telehealth Act. Changes a reference to "telehealth" to "telehealth services." Removes language that provides that health care professionals shall maintain documentation and recordkeeping in accordance with specified provisions of the Illinois Administrative Code.

[HB 3712](#), (Jones) **Car Sharing Program** This bill, as amended after extensive negotiations, provides that a car-sharing program shall assume liability of a shared-vehicle owner for bodily injury or property damage to third parties or uninsured and underinsured motorist or personal injury protection losses during the car-sharing period in an amount stated in the car-sharing agreement, which amount may not be less than 4 times the minimum amounts required under the Illinois Vehicle Code (instead of those amounts set forth in the Illinois Vehicle Code). A car-sharing program shall ensure that, during each car-sharing period, the shared-vehicle owner and the shared-vehicle driver are insured under a motor vehicle liability insurance policy that provides insurance coverage in amounts that, for the shared-vehicle driver, are equal to 2 times the minimum amounts set forth in the Illinois Vehicle Code (instead of in amounts no less than the minimum amounts set forth in the Illinois Vehicle Code). This bill has been sent to the Governor.

[HB 3955](#), **Automatic Renewal** This bill provides that a consumer who accepts an automatic renewal or continuous service offer online shall be allowed to terminate the automatic renewal or continuous service exclusively online. Requires a business that makes an automatic renewal offer or continuous service offer online to provide a toll-free telephone number, electronic mail address, a postal address if the seller directly bills the consumer, or another cost-effective, timely, and easy-to-use mechanism for cancellation. This bill has been sent to the Governor.

[SB 58](#), **Trade-In/Trailer Weight** This bill eliminates the \$10,000 cap on automobile trade-ins. Defines "utility trailer". Provides for a flat weight trailer tax of \$36 for utility trailers. Decreases the flat weight tax for Class TA trailers from \$118 to \$36. Increases the certificate of title fee for vehicles other than all-terrain vehicles, off-highway motorcycles, motor homes, mini motor homes, and van campers from \$150 to \$155 and provides that the additional fee amount shall be deposited into the Road Fund. The Chamber supports this bill.

[SB 672](#), **Non Competes** This bill provides that a covenant not to compete shall not be valid or enforceable unless the employee's actual or expected annualized rate of earnings exceeds \$75,000 per year on the effective date of the amendatory Act, \$80,000 per year beginning on January 1, 2027, \$85,000 per year beginning on January 1, 2032, or \$90,000 per year beginning on January 1, 2037 (rather than no employer shall enter into a covenant not to

compete with any low-wage employee of the employer). Provides that a covenant not to solicit shall not be valid or enforceable unless the employee's actual or expected annualized rate of earnings exceeds \$45,000 per year and increasing in steps to \$52,500 per year in 2037. Provides that a covenant not to compete is void and illegal for any employee who an employer terminates or furloughs or lays off as the result of business circumstances or governmental orders related to the COVID-19 pandemic, or under circumstances that are similar to the COVID-19 pandemic, unless enforcement of the covenant not to compete includes compensation equivalent to the employee's base salary at the time of termination for the period of enforcement minus compensation earned through subsequent employment during the period of enforcement. Provides that a covenant not to compete is void and illegal for individuals covered by a collective bargaining agreement under the Illinois Public Labor Relations Act or the Illinois Educational Labor Relations Act. Establishes exclusions for management professional personnel engaged in the construction industry. Provides a procedure for enforcement by the Attorney General. Contains provisions concerning the enforceability of a covenant not to compete or a covenant not to solicit; notice requirements for employers under a covenant not to compete or a covenant not to solicit; remedies for employees who prevail against an employer's civil action to enforce a covenant not to compete or a covenant not to solicit; and certain factors a court may consider when determining whether to reform a covenant not to compete or a covenant not to solicit. The Chamber supports this bill and is the product of Chamber negotiations.

[SB 1767](#), (Belt) **Prevailing Wage Public** This bill provides that beginning January 1, 2022, the Department of Labor shall make accessible to the public on its website by the 16th day of each month following the month the work was performed the following information from certified payrolls submitted under this Act: each worker's classification or classifications, skill level, such as apprentice or journeyman, gross wages paid in each pay period, number of hours worked each day, starting and ending times of work each day, hourly wage rate, hourly overtime wage rate, and hourly fringe benefit rate. The database will be searchable by contractor name, project name, county in which the work is performed, and contracting public body. This bill has been sent to the Governor.

[SB 1770](#), **Wetlands/Cairo Port District** This bill amends the Interagency Wetland Policy Act of 1989. Provides that notwithstanding any other provision of this Act, this Act does not apply to construction activities at facilities or property covered by the Alexander-Cairo Port District Act, provided that such facilities or property are located within 6 miles of the confluence of the Ohio River and the Mississippi River, and further provided that such actions comply with the applicable mitigation requirements contained in 40. C.F.R. Part 230. The Chamber supports this bill.

IL Chamber Publishes Quarterly *Business Leader Magazine*

Last week the Illinois Chamber published the quarterly *Illinois Business Leader Magazine* with the theme "Open for Business." This issue features a profile on Chamber member DoorDash as a part of the Amazing Members series. The magazine also contains an article on the 2021 legislative session authored by the Chamber Council Directors. The newest issue of *Illinois Business Leader Magazine* as well as past editions is now available here: <https://ilchamber.org/communications/illinois-business-leader-magazine2/>.

Save the Date: Illinois Chamber to Host Annual Meeting

On Thursday, September 30th the Illinois Chamber will host its Annual Meeting at the Palmer House in Chicago. The event will take place between 11am-1:30 pm and feature keynote speaker Holly Sullivan, Vice President of Worldwide Economic Development for Amazon. The theme for this year's event is Global Growth Opportunities. [Register today!](#)

For more information contact Laurie Silvey at lsilvey@ilchamber.org.



Key Legislation

Connect with the Chamber

[Like Us on Facebook](#) [Follow us on Twitter](#) [Subscribe](#)



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

Illinois Chamber of Commerce | 215 E Adams St, Springfield, IL 62701

Sent by ckaericher@ilchamber.org