



2021 End of Session Report

The 2021 Session was still a long way from normal. With COVID precautions and very limited access to the Capitol building, advocacy was still atypical in Springfield. Despite these challenges, the Illinois Chamber had an overall productive session with major wins in each issue area detailed below. We look forward to the resumption of “normal” in Springfield this fall for Veto Session.

Illinois Chamber of Commerce Victories

Illinois Chamber Helps Save 5G, 9-1-1 Authorization and Other Crucial Telecommunications Articles

On the last day of session, three critical communications laws that support Illinois broadband networks and video services were saved from expiration via legislative sunset extensions. These extensions were strongly supported by the Illinois Chamber and all those that care about Illinois’ technological future. The continuation of installation and development of 5G wireless technology is vital for Illinois’ growing reputation as a tech hub. The Illinois Chamber applauds the General Assembly for passage of [HB 3743](#). On Thursday, June 3rd this bill was signed into law by Governor Pritzker.

Illinois Chamber Advocacy Plays Large Role in Saving Data Center Incentives

As part of the Rebuild Illinois Capital Bill, a Chamber drafted tax incentive was created to attract data centers to the state. By all accounts, the measure has been wildly successful with nearly \$6 billion in new investment directly attributable to the measure.

This session the Chamber and other advocates introduced a cleanup bill with four provisions. This measure passed the House unanimously. The data center cleanup bill, [SB 2182](#) was drastically changed in the House in the form of a hostile amendment introduced by Representative Walker.

The Illinois Chamber was left opposing a bill that began as our initiative as the bill in its current form no longer is a benefit to the tech industry.

The amendment provides that within 180 days after the effective date of this amendatory Act of the 120nd General Assembly, all new and existing data centers seeking a certificate of exemption under this Section shall require the contractor to enter into a labor peace agreement with any union representing workers who operate and maintain a critical system or equipment used or maintained by the data center.

The amendment, which would be detrimental to the data center industry, is a power play by a local union. The Chamber is disappointed that the House Sponsor of [SB 2182](#), Representative Mark Walker has acquiesced in this attempt. On Wednesday, Representative Walker filed a second amendment to [SB 2182](#) that delays the effective date of the legislation to January 1, 2022. Delaying the effective date does nothing to lessen the adverse impact of the bill.

Public pressure from the Chamber and our allies, opposition from data centers with existing applications and quiet opposition from shovel unions benefitting from the thousands of construction jobs helped save the incentive as Senator Sims held the bill on concurrence. The Chamber thanks Senator Sims for his leadership on this and other tech issues. Also important to note that HB 2411, also sponsored by Senator Sims, contained the most important of the clean up provisions (extending the time to become green certified to two years) passed the General Assembly unanimously.

We will remain vigilant as we expect this, and other attempts to insert LPAs into good statutes, will become an increasingly common tactic.

Cost Multiplying Energy Proposals Sidelined

Session began with optimism that an aggressive energy proposal would pass Springfield this Spring. These far-reaching proposals were estimated to increase energy costs for business and residential users from anywhere from 25-40%. The most high-profile energy proposals: the Clean Energy Jobs Act pushed by environmentalists and other activists, the Clean Energy Union Jobs Act proposed by labor, the Path to 100 which was an initiative of the renewable development community, the Governor's Consumers and Climate First Act have all been pushed aside in favor of relatively more modest proposals. Discussions are still ongoing on this issue, however, and lawmakers will return to Springfield early this summer to finalize a deal.

IL Chamber Initiative Will Lower Taxes

It's rare for a freshman lawmaker to sponsor a bill of any significance to pass the General Assembly but State Senator Win Stoller did just that by carrying an IL Chamber Tax Institute initiative. [SB 2531](#) (Stoller) is a federal SALT cap work around for owners of pass-through entities. It amends the Illinois Income Tax Act to tax income of partners of partnerships and S Corporation shareholders at the entity level to work around the federal \$10,000 SALT deduction cap. This legislation is expected to be signed into law by the Governor.

Chamber helps to stop Pharmacy Benefit Management bill

Senator Koehler introduced SB 2008 as an initiative of independent pharmacies. It is estimated this bill would have increased health care costs by \$1 billion. This cost would be passed on by insurers in the form of increased premiums for employers and the State of Illinois. The Department of Healthcare and Family Services' (HSF) estimated the changes to Medicaid drug pricing, reimbursement, rebate, and dispensing fees could increase annual Department liability between \$110.9 million and \$272.2 million annually. The Chamber opposed this legislation.

Data Privacy Laws Stopped for Another Year.

Early into the legislative session, over a dozen data privacy bills were introduced. Many of them included business killing private rights of action which would allow any individual to sue for damages. This would lead the state down another BIPA style disaster.

Even the bills without the private right of action, contained numerous red tape provisions that would have added compliance nightmares to companies. The Chamber was able to prevent the passage of any of these bills, but we have been warned to expect them to be reintroduced with a

vengeance next year. For more details on the specifics of these bills, go to the Technology section below.

So Called “Environmental Justice” Measures Prevented

Expectations lingered all session regarding a desire to adopt legislation dealing with Environmental Justice (EJ). Numerous bills were filed, but none gained real traction. Language was presented by environmental groups that would have virtually ground to a halt clean air and water permitting in areas that most need jobs and opportunity. The Chamber and IERG took the lead in organizing the business community in framing the discussion of the issue as a crucial economic development issue.

SB 1770 Wetlands Mitigation Bill Helps Save Crucial Cairo Port Project

Cairo, Illinois is located at the confluence of the Mississippi and Ohio Rivers and an estimated 80% of barge traffic passes this location. The 2019 capital bill included start up money to construct a world class port in Cairo that will benefit marine shipping, the trucking industry and rail. The project has potential to revitalize a long struggling city. The port’s completion was threatened by rigorous state wetlands mitigation standards. [SB 1770](#) waived these state standards for this project to ensure its completion. Federal mitigation standards will still apply. The bill awaits signature from the Governor.

“Good Corporate Citizen” Initiative Shelled in Senate Executive

We worked hard this week to oppose [HB 1839](#) an initiative of the Department of Commerce and Economic Opportunity that would establish "corporate good citizen" requirements as a condition of businesses receiving development assistance through programs administered by the DCEO. The EDGE tax credit and the data center sales tax exemption and income tax exemption programs are two examples of the programs that would be affected by this proposal. The Chamber’s President Todd Maisch and the Chamber’s Tax Institute Director Keith Staats opposition to this proposal in committee helped to lead to its failure to pass the Senate Executive Committee in its problematic form. Instead, a blank “shell bill” passed the committee on a partisan roll call.

Illinois Citizens Can Continue to Benefit from Lyft and Uber

The Transportation Network Providers Act is the authorizing statute for rideshare companies like Lyft and Uber. It was scheduled to sunset, or be automatically repealed, June 1st of 2021. This bill extends that sunset by 18 months and, very critically, a “clean sunset” was passed after an attempt was repealed to add punitive liability language to the statute. [SB 2183](#) (Sims-Zalewski) passed both Chambers unanimously and was signed into law by the Governor. This bill continues the incredibly useful rideshare industry in Illinois and saves thousands of jobs.

Governor Signs Awful Prejudgment Interest Bill

[SB 72, Prejudgment Interest](#) was signed into law in late May. This bill passed out of both chambers at the end of March. This bill, which the Chamber opposes, does the following:

- Provides for pre-judgment interest in personal injury and wrongful death cases
- Interest shall begin to accrue at 6% rate when the case is filed (HB 3360 interest began at notice of the injury. Prior versions were at 9 and 7 percent)
- Interest does not apply to punitive damages, sanctions, statutory attorney’s fees and statutory costs

- If the judgment is greater than the amount of the highest written settlement offer made by the defendant, interest shall only apply to the difference between the amount of judgment and the settlement offer
- Prejudgment interest capped at 5 years (no cap in previous versions of the bill)

The Illinois Chamber sent a veto request within 24 hours of passage to the Governor for [SB 72](#). House Bill 3360, a prior prejudgment interest bill, was exceptionally egregious, but the improvements of [Senate Bill 72](#) from the original still represent a black eye on our state's judicial system. Read the Chamber's full veto request letter for [SB 72 here](#).

Governor Pritzker previously vetoed [HB3360](#), which amongst other things, established prejudgment interest at 9 percent. [HB3360](#) was passed during the lame duck session in January. The Chamber opposed HB3360 and requested its veto as well.

Proposed Constitutional Amendment Will Eliminate Freedom to Choose

A major issue that was approved with bipartisan support was [SJRC 11](#) sponsored by Sen. Ram Villivalam (D-Chicago) and Rep. Marcus Evans (D-Chicago). SJRC 11 would add to the Bill of Rights Article of the Illinois Constitution that employees shall have the fundamental right to organize and to bargain collectively through representatives of their own choosing for the purpose of negotiating wages, hours, and working conditions, and to protect their economic welfare and safety at work.

It prohibits any law state or local that interferes with, negates, or diminishes the right of employees to organize and bargain collectively over their wages, hours, and other terms and conditions of employment and workplace safety, including any law or ordinance that prohibits the execution or application of agreements between employers and labor organizations that represent employees requiring membership in an organization as a condition of employment. It now will be placed on the November 2022 ballot. It would be effective upon approval by 60% of those voting on the amendment or a majority of those voting in the election.

Energy

In what felt like a very disjointed session, in part due to limited access to the Capitol and in part to a committee hearing schedule that seemed both paired down and dominated by subject matter hearings, the 2021 legislative session will likely be remembered for what has been left unresolved and not what made its way to the Governor's desk for signature. This likely means continued discussion and probable legislative action this summer, and potentially a very active Spring 2022 in the energy space. There are a few items in particular the Chamber will continue to watch closely.

Omnibus Energy Legislation

Much of the spring focused on subject matter hearings concerning the most high profile energy proposals, the Clean Energy Jobs Act pushed by environmentalists and other activists, the Clean Energy Union Jobs Act proposed by labor, the Path to 100 which was an initiative of the renewable development community, the Governor's Consumers and Climate First Act, and several other proposals offered by individual companies. While these bills received cursory examination during hearings in both the House and the Senate, a group of a dozen legislators began meeting in earnest in May, trying to identify areas of agreement in an effort to put together a narrow proposal that would address only the most pressing of needs. During this

time, the Chamber was in regular contact with members of the work group, providing feedback on key issues and, when requested, legislative language to be included if a proposal did in fact come together.

In the last week of session, a tentative agreement started to take shape, and it was not the narrow proposal most observers anticipated. A 700-page draft was made available by Senate staff mid-week, which was the first of three proposals to be made public over the last four days of session, including a host of items that had been the subject of hearings and discussions over the last two years. The Chamber and other business stakeholders prepared for a fourth draft on May 31, as rumors circulated that a deal had been agreed to by the Administration and Exelon on a financial subsidy for three of its facilities, but language never materialized as talks broke down over Prairie State and other municipally owned coal-fired generation plants.

While final language has still not been made available, and a vehicle for the proposal has not yet been identified, it seems that an omnibus package has taken shape, and among a slew of other provisions is believed to include:

- A six year subsidy for Exelon, started at \$175 million in year one, \$150 million in year 2, and decreasing by \$25 million each year for the remainder of the plan;
- Language that would provide for a transition from formula ratemaking to a new, performance-based plan;
- A host of environmental and “equity-based” programs that, thus far have been estimated to cost at least \$200 million per year;
- Rollover of renewable funding that was set to be returned to ratepayers, and doubles the funds set aside for renewable development;
- A mandate to be carbon free in the energy sector by 2050, with coal-fired generation to be phased out by 2035, and natural gas-fired generation by 2045;
- A number of incentives involving electric vehicles and charging stations;
- A Coal to Solar program, energy opt-out provisions for large industrial users, and language dealing with combined heat and power;
- A commission to study carbon capture and sequestration;
- While a price on carbon has not surfaced, a commission is created to study the best path forward for driving GHG emissions downward, whether that is a price on carbon, or potentially joining a multi-state or regional group with a cap and trade model;
- All of this largesse would be borne by all ratepayers, by including its costs on a wires charge included on utility bills.

There is significant speculation that both the House and Senate are likely to return in the next two weeks or so to address what is looking to be very costly energy legislation.

Hazardous Materials Workforce

[HB3437](#) (Walsh/Hastings) is a return of last session’s SB 1407, which would require that refineries, ethanol plants, and other chemical facilities utilize only contractors and subcontractors in the building and construction trades on site, got through the House and out of committee in the Senate before opposition to a late amendment derailed its passage. The Chamber has opposed this legislative overreach and will continue to work with the lengthy list of opponents whenever its sponsors decide to push forward again.

Other Bills of Note

[HB 414](#) (Greenwood/Belt) created the Water and Sewer Financial Assistance Act, which provides that the Department of Commerce and Economic Opportunity is authorized to institute a water and sewer assistance program. **This bill passed both houses on May 31, 2021.**

[HB 3739](#) (Robinson/Bush) amends the Environmental Protection Act to include the Lead Service Line Replacement and Notification Act, which imposes various requirements on community water supplies. **This bill passed both houses on May 31, 2021.**

[SB 265](#) (Hastings/Hernandez) expands eligibility for LIHEAP and addresses funding related issues. **This bill passed both houses on June 1, 2021.**

Further questions relating to energy, please contact Alec Messina at amessina@ilchamber.org

Environment

Expectations lingered all session regarding a desire to adopt legislation dealing with Environmental Justice (EJ). Numerous bills were filed, but none gained real traction. The Chamber and IERG took the lead in organizing the business community in framing the discussion of the issue as a crucial economic development issue.

[HB 3783](#) **CCR Surface Impoundments** (Ammons/Bennett), added language to include construction, installation, modification, or closure of CCR surface impoundments must be completed by and in accordance with a training program registered with the U.S. Department of Labor's Employment and Training Administration. **This bill passed both Houses.**

[HB 653](#) **Clean Construction Demolition Debris / Groundwater Monitoring** (Avelar/Connor), a bipartisan bill that slightly increased fees assessed for the collection of clean construction or demolition debris fill materials. **This bill passed both Houses.**

[HB 165](#) **Carbon Capture Task Force** (T. Bennett/Koehler) creates the Carbon Capture, Utilization, and Storage Legislation Task Force Act. The Task Force is to produce a report on the potential for capture, utilization, and storage for Illinois' subsurface storage resources. The report should also include recommendations for policy and regulatory needs. **The Chamber supported this bill. This bill passed the House and a motion to concur in the Senate was referred to Rules Committee.**

[HB 2785](#) **EO 3 Implementation** (Williams/Bush) transfers the powers, duties, rights and responsibilities of the Office of Energy and Recycling under the Department of Commerce and Economic Opportunity to the Environmental Protection agency. **This bill passed both Houses.**

[SB 695](#) **Class 4 Etiologic Agents** (Bush/Williams) allows any person, including Illinois Environmental Protection Agency to propose rules under Section 28 to amend the listing of etiologic agents. **This bill passed both Houses.**

[SB 2515](#) **Mahomet Aquifer Council** (Rose/Ammons) creates the Mahomet Aquifer Council. The Council member's term shall be 3 years and the Council will host no more than 4 meetings in a calendar year. **This bill passed both Houses.**

[SB 561](#) **PFAS Reduction Act** (Ellman/Moeller) creates the PFAS Reduction Act and states that class B firefighting foam containing intentionally added PFAS may not be discharged. The

Act also prohibits the manufacturing, sale and distribution of food packaging containing intentionally added PFAS. Requires manufacturers of class B firefighting foam containing PFAS to register and pay a fee to the Illinois Environmental Protection Act. **This bill passed both Houses.**

SB 1920 Power Plant Demolition (Crowe/Stuart) adds language that requires notification of demolition of coal-fueled power plants with at minimum of 60 days to the Illinois Environmental Protection Agency and the public within 25 miles of where the coal-fueled power plant is located. **The Chamber advocated for a reduction to the onerous originally proposed notification requirements and was Neutral as amended. This bill passed both Houses.**

Further questions relating to environment, please contact Alec Davis at ADavis@ierg.org

Employment Law

HB 53: VIDEO INTERVIEW DEMOGRAPHIC (Rep. Andrade, D-Chicago/Sen. Connor, D-Joliet) Amends the Artificial Intelligence Video Interview Act to require employers that rely solely upon artificial intelligence to determine whether an applicant will qualify for an in-person interview to 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. The Chamber was Neutral. **This bill passed both houses.**

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. **This bill passed both houses.**

HB 118: PENALTY INCREASES FOR UNPAID WAGES (Rep. Guzzardi/Sen. Villa, D-W. Chicago) HB 118 amends the Wage Payment & Collection Act to provide that an employee is entitled to recover damages of 5% (rather than 2%) of the amount of any underpayments in wages for each month following the date of payment during which such underpayments remain unpaid. The Chamber OPPOSED this bill. **This bill passed both houses.**

HB 3582: EXPANSION OF VESSA (Rep. Robyn Gabel D-Evanston/Sen. Robert Peters D-Chicago) Expands the Victims' Economic Security and Safety Act (VESSA) covering: 1) victims and family members of victims of crimes of violence (in addition to victims of domestic violence, sexual violence, and gender violence) and 2) any individual whose close association with the employee is the equivalent of a family relationship. An amendment eliminating a civil action option was agreed to by the Council. With removal of the civil action the Chamber is Neutral. **This bill passed both houses.**

SB 258: HEALTH INSURANCE/MARRIAGE DISSOLUTION (Sen. Hastings D-Frankfort/Rep. Burke D-Chicago) Amends a Section of the Illinois Marriage and Dissolution of Marriage Act regarding health insurance coverage for children. Defines "insurance obligee" as an individual to whom a health insurance obligation is owed on behalf of a child and "insurance obligor" as an individual who has an obligation to provide health insurance for a child. Changes certain terminology in the Section to conform to the new defined terms. Deletes language providing that the court shall enter an order for health insurance coverage of the child upon the request of the obligee or the public office in charge of child support enforcement. Deletes certain requirements concerning the procedures and notice obligations governing an application for insurability following the entry of an order. Deletes language providing that the court shall order the obligor to reimburse the obligee for 50% of the premium for placing the child on his or her health insurance policy under certain circumstances. Deletes language providing that the court may order the obligor to reimburse the obligee for 100% of the premium for placing the child on his or her health insurance policy. Deletes language providing that the obligor shall be liable to the obligee for the dollar amount of the premiums that were not paid. Provides that an employer may eliminate a child from the insurance obligor's health insurance coverage if the employer no longer provides a group health insurance plan to any employees or the child is no longer eligible for coverage due to federal or State restrictions. The Chamber is Neutral. **This bill passed both houses.**

SB 1847: EQUAL PAY CERTIFICATE (Sen. Mattie Hunter D-Chicago/Rep. Sonya Harper D-Chicago) For a complete summary of SB 1847, contact Jay Shattuck. The Council and other business groups working with the Illinois Department of Labor (IDOL) agreed to amendments that make several important changes to the Equal Pay Act mandate for Illinois employers of 100 or more. Current law requires extensive wage and personnel data to IDOL and certify compliance with federal and Illinois equal pay and discrimination laws. The legislation's positive changes include 1) delaying the effective date 2) providing privacy protection to individual corporate and employee data and 3) replacing the 1% of gross profit with a definitive penalty. The Chamber SUPPORTS this bill. **This bill passed both houses.**

SB 1905: HEALTH INSURANCE BENEFIT DISCLOSURE REQUIREMENTS (Sen. Julie Morrison D-Highwood/ Rep. Margaret Croke D-Chicago) House amendment 1 to SB 1905 creates the Consumer Coverage Disclosure Act to require employers to disclose to employees the differences under the employees' health coverage and health coverage providing essential benefits under health plans regulated by the State of Illinois. Directs the Department of Insurance to provide information outlining the essential benefits and other benefits under coverage regulated under State law. Provides for enforcement by the Department of Labor. Authorize the imposition of civil penalties, if after notice of noncompliance, an employer does not come into compliance within 30 days. The Chamber was neutral. **This bill passed both houses.**

SB 2486: PERSONNEL RECORDS STATUTE OF LIMITATIONS (Sen. Villivalam D-Chicago/Rep. Evans D-Chicago) Amends the Personnel Record Review Act allowing an individual to file a complaint with the Director of Labor or commence an action alleging a violation within 3 years after the date of the disclosure of a disciplinary action. The Chamber was Neutral. **This bill passed both houses.**

Employment Discrimination and Workplace Agreements

HB 121: HUMAN RIGHTS-WORK AUTHORIZATION (Rep. Guzzardi/Se. Ram Villivalam D-Chicago) HB 121 provides that it is the public policy of the State to prevent discrimination based on the specific status or term of status that accompanies a legal work authorization. It

defines "work authorization status" as the status of being a person born outside of the United States, and not a U.S. citizen, who is authorized by the federal government to work in the United States. A Council requested amendment that has been added clarifies that an employer is not required to sponsor, either monetarily or otherwise, any applicant or employee to obtain or modify work authorization status, unless otherwise required by federal law. The Chamber SUPPORTS this bill. **This bill passed both houses.**

HB 1207: EQUAL PAY/DEFERRED COMPENSATION (Rep. Moeller D-Elgin/Sen. Castro D-Elgin) Affirmatively provides that an employer may request an applicant to verify the aggregate amount of unvested equity or deferred compensation the applicant would forgo by resigning the applicant's current position. The Chamber was Neutral. **This bill passed both chambers.**

HB 1838: DEFINITION OF DISABILITY (Rep. Mah D-Chicago/Sen. Villivalam) Adds to the Illinois Human Rights Act that discrimination based on disability includes unlawful discrimination against an individual because of the individual's association with a person with a disability. The Chamber was Neutral. **This bill passed out of both chambers.**

SB 672: NON-COMPETE/NON-SOLICIT AGREEMENTS (Sen. Hunter D-Chicago/Rep. Burke D-Chicago) For a complete summary of SB 672, contact Jay Shattuck. Since February of 2020, The Illinois Chamber Employment Law Council has been in negotiations with the National Employment Lawyers Association (NELA) on changes to the Illinois Freedom to Work Act. The proposal generally makes reasonable limitations on covenants not to compete and covenants not to solicit and provides employers greater clarity and certainty as to whether their covenant not to compete or covenant not to solicit will meet judicial scrutiny. If approved by the Governor, the changes will go into effect January 1, 2022 and applies to covenants not to compete and covenants not to solicit entered into after the effective date. The Chamber SUPPORTS. **This bill passed both houses.**

Workers' Compensation

HB 1957: GROUP WORKERS' COMPENSATION POOLS (Rep. Thad Jones D-Calumet City/Sen. Napoleon Harris D-Dolton) This is a Department of Insurance initiative. The legislation makes changes to the filing due date applicable to actuarial opinions as to the sufficiency of the loss and loss adjustment expense reserves for group workers' compensation pools from June 1 to March 1 of each year. The Chamber was Neutral. **This bill passed both houses.**

HB 3662: MRSA Presumption (Rep. Marcus Evans D-Chicago/Sen. Linda Holmes D-Aurora) Amends the Workers' Compensation Act. Provides that, with respect to firefighters and emergency medical technicians, a contagious staph infection, including Methicillin-resistant Staphylococcus aureus (MRSA), is rebuttably presumed to arise out of and in the course of employment. Effective immediately. The Chamber is OPPOSED. **This bill passed both houses.**

SB 1993: TRANSFER of IWCC INSURANCE COMPLIANCE DIVISION to DOI (Sen. Tony Munoz D-Chicago/Rep. Bob Morgan D-Highwood) Transfers all powers, duties, rights, responsibilities, personnel, books, records, papers, documents, property (real and personal), contracts, causes of action, and pending business of the Insurance Compliance Division within the Illinois Workers' Compensation Commission to the Department of Insurance. When reports or notices are to be made or given or papers or documents furnished or served by any person to or upon the Insurance Compliance Division, they shall be made, given, furnished, or

served in the same manner to or upon the Department of Insurance. The amendatory Act does not affect any act done, ratified, or canceled, any right occurring or established, or any action or proceeding had or commenced in an administrative, civil, or criminal cause by the Insurance Compliance Division before the amendatory Act takes effect. Amends the Workers' Compensation Act replacing references to the Insurance Compliance Division with references to the Department of Insurance. In provisions concerning Department of Insurance oversight, changes the date before which insurers licensed to write workers compensation coverage in the State must record and report specified information concerning claims from March 1 to June 1 of each year. Deletes a provision stating that the fraud and insurance non-compliance unit shall procure and implement a system using advanced analytics for the detection and prevention of fraud, waste, and abuse. Effective July 1, 2021. The Chamber SUPPORTS. **This bill passed both houses.**

SB 2017: BIMP/IWCC SALARIES (Sen. Harmon D-Oak Park/Rep. Harris D-Chicago) As part of the 839-page budget implementation act...IWCC Commissioner annual salary to become 70% of a Circuit Court Judge in the Judicial Court constituted by the First Judicial District under the Salaries Act. The Chairman to receive an annual salary of 5% more than the other Commissioners. The Secretary and each arbitrator to receive a salary of 5% less than the per annum salary of Commissioners. (See pages 570-584) **The Chamber supports the salary increases. This bill passed both houses.**

Unemployment Insurance

HB 2643: UI AGREED BILL (Rep. Hoffman D-Belleville/Sen. Holmes D-Aurora) With the House Adjournment, HB 2643 was not voted upon in the closing hours of the regular session. The House is planning to return in the next couple of weeks to address unfinished business such as HB 2643. The House will need to concur on the Senate amendment. As amended, the legislation provides:

1. Amends the Identity Protection Act allowing social security numbers to be included in applications and forms sent by mail, including, but not limited to, any material mailed in connection with the administration of the Unemployment Insurance Act pursuant to the limitations and requirements of that Act. Amends the Department of Employment Security Law prohibiting the Illinois Department of Employment Security (IDES) from disclosing an individual's entire social security number in any correspondence physically mailed to an individual or entity. Requires IDES to develop a system of identifying information to be used instead of social security numbers. This change does not apply to electronic data sharing (i.e., SIDES) pursuant to a written agreement containing appropriate security and confidentiality provisions or to an individual's or entity's access to information in the individual's or entity's secure account in the Department's databases.
2. Extends benefits for noninstructional academic personnel until September 4, 2021. The federal government has increased from 50% to 75% the amount it will reimburse the UI Trust Fund. The remaining 25% will be funded from the recent \$8.1 billion which is estimated at \$65-70 million.
3. Waives collection of benefits overpaid by IDES due to no fault of the claimant. When an individual has received benefits and been found to be ineligible for those benefits, the individual must be provided notice of his or her appeal rights. A claimant will have 45 days from mailing date of the notice to contact IDES to be eligible for the waiver. The estimated net cost to the UI Trust Fund is approximately \$25 million. These costs also will be reimbursed to the UI Trust Fund from ARPA funds.

4. For each benefit claim that appears to have been filed other than by the individual in whose name the claim was filed or by the individual's authorized agent (i.e, fraudulent claim) and with respect to which benefits were paid during the prior calendar year, IDES shall annually report to the Department of Revenue information that is in IDES' possession and may assist in avoiding negative income tax consequences for the individual in whose name the claim was filed.
5. With the written consent of a claimant or employing unit and an agreement not to publicly disclose, the Director shall provide requested information related to a claim to a public officer or his or her agent.
6. For our agreeing to the above changes, Labor agreed to do a joint request with business to the Governor to use a "substantial portion" of ARPA funds to reduce the Trust Fund deficit.

Legislation that Failed

SB 208: Paid Leave Mandate (Sen. Martwick D-Chicago/Rep. Gordon-Booth D-Peoria)

In the closing days of session, negotiations on a paid leave mandate rekindled. The latest version requires paid leave to be paid based on an accrued basis with a minimum of 56 hours earned in a year. Some of the key issues of concern to employers are addressed, especially allowing employer flexibility in implementation. The Chamber supported SB 208 along with other business groups. However, organized labor's strong opposition put a brick on the measure. **This bill was held on second reading in the House.**

HB 3418: Sexual Harassment Settlements & Disclosure Agreements (Rep. Carroll D-Northbrook/Sen. Connor D-Joliet) Amends the Workplace Transparency Act prohibiting nondisclosure requirements from being imposed in settlements relating to claims of sexual harassment or sexual assault in the workplace except as they relate to the monetary amount of the settlement or, at the employee's request, when they prohibit disclosure of facts that could lead to the identification of the employee. We have determined that this measure will undue the balance that the Workplace Transparency Act currently enjoys. This compromise law only went into effect on January 1, 2020. **This bill was held on third reading in the Senate.**

HB 3697: Prevents WC Act to Pre-empt BIPA Action (Rep. Hoffman D-Belleville/Sen. Cunningham D-Chicago) Provides the Workers' Compensation Act does not preempt or prevent an employee from recovering under the Biometric Information Privacy Act. **This bill passed the House but did not move in the Senate.**

SB 995: Criminal Background Information Only Accessible from State Police (Sen. Omar Aquino D-Chicago) **Senate amendment 1 pending in Assignments Committee/Senate Third Reading** Amends the Illinois Human Rights Act requiring that conviction records or arrest records used in whole or in part as the basis for any adverse employment action or adverse housing action shall be issued by the Department of State Police. Prohibits an employer from withholding or deducting from the compensation of any employee or require any prospective employee or applicant for employment to pay, any fee for, or cost of, any criminal history record information check, nor shall any employer withhold or deduct from the compensation of any employee, or require any employee to pay any fee for, or cost of, criminal history record information checks. **This bill failed to advance in the Senate and was re-referred to Assignments.**

Further Questions please contact Jay Shattuck at jay@shattucklobbying.com

Healthcare

Prior Authorization

[HB 711 \(Harris\)](#) regarding prior authorization passed both Houses. The Chamber stayed neutral on this bill to allow members on each side of this issue to negotiate a favorable bill. Key provisions include posting prior authorization (PA) requirements and restrictions on an insurer's website, 60-day notice for new or amended PA requirements, 5 calendar days for nonurgent PA approval or adverse determination, 48 hours for urgent PA approval or adverse determination, requirements for appeals/reviewers, requirements for an adverse decision notification and length of time for a PA. This bill passed both chambers and awaits the Governor's signature.

[SB 2008 Pharmacy Benefit Management](#) the Chamber worked hard to defeat this bill during this legislative session. At one point the bill had over 2500 proponents and 50 opponents. We worked closely with impacted members by circulating op eds and sent information to all legislators. The estimated cost of this legislation was over \$1 billion dollars to employers and the State. **This bill did not move and was re-referred to Assignments Committee.**

[HB 3308 \(Jones\) Telehealth](#) passed both Houses on the final day of session. Key components of the bill include:

- Coverage is mandatory (instead of permissive) for clinically appropriate and medically necessary telehealth services.
- Benefits for in-person and telehealth services must be covered at parity (existing provisions are strengthened to further prohibit insurers from placing unnecessary barriers to obtaining coverage for clinically appropriate, medically necessary telehealth services).
- Permanent payment parity for behavioral health with physical health payment parity subject to a 5-year sunset.
- Payment parity provisions are explicit that if the service cannot be billed as an in-person service, then it is not subject to parity. Additionally, provisions allow for negotiation of alternative reimbursement rates.
- Originating site reimbursement is permissive and may be considered (rather than shall) if the site is a facility.
- IDPH and DOI will commission a study on telehealth utilization, impact on access, outcomes, and health equity, as well as cost to be reported out in 2026 (before broad payment parity provisions expire in 2027).
- Medicaid will not be included since the coverage and reimbursement provisions for that program are already in permanent regulation.

This bill is expected to be signed by the Governor, and the Chamber strongly supports the expansion of telehealth as a cost-effective tool in healthcare delivery.

Other Key Issues That Failed to Advance This Session

[HB66 \(Flowers\) Elimination of Managed Medicaid.](#) **This bill was assigned to the Medicaid & Managed Care Subcommittee of the Appropriations-Human Services Committee but did not make it out of Committee.**

[HB 62 \(Flowers\) Health Care for All.](#) **This bill passed the Health Care Availability & Accessibility Committee but was held on Calendar Order of Second Reading.**

DOI Working Groups

The Chamber participated in one DOI working group including establishing mental health parity reporting information. We have worked collaboratively with a variety of stakeholders and state agencies to advocate for workable and common-sense policies.

Any further questions relating to healthcare, please contact Lori Cowdrey Benso at lbenso@ilchamber.org

Infrastructure

Chamber helps prevent Road Fund Diversion

Governor Pritzker's budget address called for diverting \$100 million meant for road projects to the General Revenue Fund (GRF). Thanks to the Chamber and other transportation advocates, this diversion was not included in the final budget.

[HB 245](#) (Yingling) **EV Rebate** HB 245 would have greatly increased the electric car rebate to up to \$24,000 per car from the current \$4,000. Removes E85 and other alternative fuel vehicles from subsidy eligibility. Subject to appropriation and paid for by a surcharge on vehicle fleets, a funding source that would not have come close to meeting the revenue demand. **This bill failed to advance out of House Public Utilities Committee and was re-referred to Rules.**

[HB 253](#) (Buckner) 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 passed out of both chambers unanimously and now awaits the Governor's signature.**

[HB 270](#), (Moeller) **Pedestrian/Bicycle Ways** This bill provides that, in or within a municipality with a population of over 1,000 people, the Department of Transportation shall establish and solely fund bicycle and pedestrian ways in conjunction with the construction, reconstruction, or other change of any State transportation facility. Adds an exemption in cases in which the municipality passes a resolution stating that a bicycle or pedestrian way does not fit within its development plan. Provides that if programmed funds identified as supplemental funding for the Illinois Transportation Enhancement Program are not expended for 5 years, the Department has the option to use those funds to pay the cost of bicycle and pedestrian ways in roadway projects. **This bill passed both houses and now awaits the Governor's signature.**

[HB 399](#), (Moylan) **High Speed Rail Commission** This bill Creates the High-Speed Railway Commission Act. Prescribes the membership of the Commission. Provides that the Commission shall create a statewide plan for a high-speed rail line and feeder network connecting St. Louis, Missouri and Chicago, Illinois that includes current existing Amtrak and Metra services, connects the cities of Rockford, Moline, Peoria, and Decatur, and uses inter-city bus service to coordinate with the rail line. Provides that the Commission shall conduct a ridership study and shall make findings and recommendations concerning a governance structure, the frequency of service, and implementation of the plan. Provides that the

Commission shall report to the General Assembly and the Governor no later than December 31 of each year. **This bill passed out of both chambers.**

HB 414, (Greenwood) **Water & Wastewater Assistance** This bill authorizes DCEO to institute a water and sewer assistance program. Any person who is a resident of the State of Illinois and whose household income is not greater than an amount determined annually by the Department may apply for assistance. Provides that in determining the amounts of assistance to be provided to or on behalf of a qualified applicant, the Department shall ensure that the highest amounts of assistance go to households with the greatest need for financial assistance in relation to household income by considering specified factors. Each water or sewer provider shall assess each of its customer accounts a monthly Water and Sewer Assistance Charge to be deposited into the Water and Sewer Low-Income Assistance Fund. Amends the State Finance Act. 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. The Chamber supports this bill. **This bill passed both houses and now awaits the Governor's signature.**

HB 2524 (Hoffman) HB 2524 was opposed by the Chamber. It attempted to restrict freight train length. Provides that no railroad operating within this State on any main line or any other line shall operate, or permit to be operated, any train that exceeds 8,500 feet in length. This bill was of dubious constitutionality. **This bill failed to advance in the Transportation: Regulation, Roads & Bridges Committee and was re-referred to the Rules Committee.**

HB 3125 (Gabel) Creates the Electric Vehicle Charging Act, which may be referred to as the Beneficial Electrification Act. Sets forth requirements for parking spaces that are electrical vehicle ready applicable to new or renovated residential or nonresidential buildings. **This bill did not move in the House Energy & Environment Committee and was sent back to the Rules Committee.**

HB 3243 (Manley) Creates the Electric Vehicle Infrastructure Act. Electric utilities serving more than 500,000 customers in the State shall file a proposal with the Illinois Commerce Commission to establish a commercial tariff utilizing alternatives to traditional demand-based rate structures to facilitate charging for light duty, heavy duty, and fleet electric vehicles and that support integration of renewable energy resources. **This bill did not move in the House Public Utilities Committee and was referred to Rules.**

HB 3481 (Stoneback) Creates the Electric Vehicle Charging Station Financing Program Act. Allows the State Treasurer to issue loans for the design, development, purchase and installation of qualified electric vehicle charging stations for use by private homeowners or small businesses. **This bill failed to move in the State Government Administration Committee and was re-referred to the Rules Committee.**

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 passed both houses near unanimously and now waits for the Governor's signature.**

[HB 3940](#) (Walsh) **This bill** was pushed by the AFL-CIO for the benefit of maintenance technicians and the auto dealers by greatly increasing the amount auto manufacturers must reimburse the dealerships for warranty work. The manufacturers must pay a dealer no less than the amount a retail customer pays the dealer for the same services. Authorizes the use of agreed upon time guides. Applies to warranty work and factory recalls. Establishes manner of determining effective labor rates in a way that would make Illinois the most expensive state in the country. The Chamber opposed this legislation. **This bill passed both chambers.**

[SB 58](#), (Muñoz) **Trade-In/Trailer Weight** This bill eliminates the \$10,000 cap on automobile trade-ins. Defines "utility trailer". 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. **This bill passed both chambers unanimously.**

[SB 117](#), (Stadelman) **Treasurer Infrastructure Development** This bill creates the Infrastructure Development Act. The State Treasurer shall segregate a portion of the Treasurer's State investment portfolio in the Infrastructure Development Account, an account that shall be maintained separately and apart from other moneys invested by the State Treasurer. **This bill passed both chambers unanimously.**

[SB 1611](#), (Cunningham) **Electronic Signature** This bill allows the Secretary of State to adopt rules to authorize the filing of documents with his or her office that have been signed by electronic means. Electronic signatures and electronic delivery of records shall have the same force and effect as manual signatures and the physical delivery of records. Electronic records and electronic signatures accepted by the Secretary of State shall be admissible in all administrative, quasi-judicial, and judicial proceedings. **This bill passed both chambers unanimously.**

[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 passed out of both chambers and awaits the Governor's signature.**

[SB 1089](#), (Hastings) **Construction Debris** This bill provides that for the disposal of solid waste from general construction or demolition debris recovery facilities, the total fee, tax, or surcharge imposed by all units of local government upon the solid waste disposal facility shall not exceed 50% of the applicable amount. **This bill was postponed in the Senate Transportation Committee and later re-referred to Assignments.**

[SB 2459](#), (Villivalam) **Electronic Signature** This bill Provides that the Department of Transportation, the Illinois State Toll Highway Authority, and the Capital Development Board shall each accept the use of electronic signatures in transactions between those State agencies and other persons or entities, unless all parties to the transaction waive the right to use

electronic signatures. Provides an exception to the use of electronic signatures for transactions involving technical submissions. **This bill passed both chambers unanimously.**

[SB 2563](#), (Bush) As amended, this bill requires the Department of Transportation to include in its diesel-powered vehicle emission inspection report the number of inspections conducted at a brick-and-mortar official testing station and the number of inspections conducted by an official portable emissions testing company. **The amendment removed the onerous California emission standards in the underlying bill in favor of an IDOT study.** With the amendment the Chamber was neutral on this bill. **This bill passed out of both houses and now awaits the Governor's signature.**

Any further questions please contact Clark Kaericher at ckaericher@ilchamber.org.

Tax

Budget Implementation Legislation Tax Provisions

[SB 2017](#) House Amendment 2. The tax law changes, including the tax increases, begin at page 610 and go through page 852. The amendment, which becomes the bill, includes the following 4 elements of the Governor's so-called "loophole closing" proposals.

- The bill restricts the use of **corporate net operating losses** to \$100,000 per year for any taxable year ending on or after December 31, 2021 and prior to December 31, 2024 (See P. 716) The bill does this by reinstating the \$100,000 limitation on the use of net operating losses that previously was imposed for taxable years ending on or after December 31, 2012 and prior to December 31, 2014. Note that existing language in IITA Section 207 provides that "for purposes of determining the taxable years to which a net loss may be carried under subsection (a) of this Section, no taxable year for which a deduction is disallowed under this subsection, **or for which the deduction would exceed \$100,000 if not for this subsection, shall be counted.**" (emphasis added).
- The bill requires an addback for taxable years ending on or after June 30, 2021 of GILTI (the deduction allowed under **IRC Section 250(a)(1)(B)(i)**) and an amount equal to the deduction allowed under **IRC Section 243(e)** (certain dividends received from foreign corporations) and **IRC Section 245A** (deduction for foreign source-portion of dividends received by domestic corporations from specified 10 percent owned foreign corporations). (P. 651)
- The bill **modifies the foreign dividend subtraction** to provide that for taxable years ending on or after June 30, 2021, for purposes of the subtraction, "the term 'dividend' does not include any amount treated as a dividend under Section **1248** of the Internal Revenue Code" (gain from certain sales or exchanges of stock in certain foreign corporations). (P.658)
- The bill **decouples from federal bonus depreciation** (100 percent expensing - Illinois previously coupled from bonus depreciation of less than 100 percent expensing) by requiring an addback based an amendment to the convoluted bonus decoupling language currently in the law. (P. 635) The bill has a corresponding annual subtraction modification for the property subject to the new addback. (P.660) From my quick read, appears as if depreciable assets are subject to MACRS depreciation. (Please let me know if I got that wrong.)
- The bill **eliminates the phase-out of the Franchise Tax**. (P.852) It retains the exemption of the first \$1,000 of liability that became effective on or after January 1,

2021 and deletes the subsequent annual increases in the phase out that were designed completely eliminate the tax.

Other Tax Provisions

- The tax credit for affordable housing donations is extended to December 31, 2026.
- The Angel Investment Credit is extended to December 31, 2026.
- The River Edge Redevelopment Zone tax credit is extended for tax years ending prior to January 1, 2027.
- The Live Theater Production Credit is extended to include tax years beginning prior to January 1, 2029.

- The sales tax exemption for menstrual pads, tampons, and menstrual cups is extended through December 31, 2026.
- The sales taxes are amended to provide that the tax imposed on food prepared for immediate consumption and transferred to residents by entities licensed under the Assisted Living and Shared Housing Act and an entity that holds a permit issued pursuant to the Life Care Facilities Act is 1%.
- The Property Tax Code is amended to modify the method for valuation of supportive living facilities. (P. 846)
- The Property Tax Code is amended to exempt property used for certain educational trade schools. (P. 846)

Legislation we supported passed by the General Assembly.

[SB 2531](#) (Stoller) This bill is an Illinois Chamber Tax Institute legislative initiative. Federal SALT cap work around for owners of pass-through entities. Amends the Illinois Income Tax Act to tax income of partners of partnerships and S Corporation shareholders at the entity level to work around the federal \$10,000 SALT deduction cap. **Passed both houses.**

[HB 2411](#) (Davis) 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. **Passed both houses.**

[SB 58](#) (Muñoz) Amends the Use Tax Act and the Retailers' Occupation Tax Act. Provides that, beginning on January 1, 2022, the \$10,000 cap on automobile trade-ins is eliminated. 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. In a Section concerning the use tax on motor vehicles, makes changes concerning the amount of the tax. **This bill passed both houses and awaits the Governor's signature.**

[SB 2066](#) (Castro) This bill is sales tax clean up legislation. For calendar year 2020 only, sales of tangible personal property made by a marketplace seller over a marketplace for which tax is due, but for which use tax has been collected and remitted to the Department of Revenue by a marketplace facilitator are exempt. The bill provides the term "marketplace facilitator" does not include any person licensed under the Auction License Act, other than any person who is an Internet auction listing service. Amends the Leveling the Playing Field for Illinois Retail Act and provides that certified service providers who collect and remit taxes on behalf of retailers

may claim the retailers' discount with respect to those taxes, and that the retailer is not entitled to the discount with respect to those taxes. **This bill passed both chambers.**

Legislation we opposed that did not pass.

[SB 2182](#) (Sims) This bill began as an Illinois Chamber initiative. As introduced, it amended the Data Center exemption legislation to address implementation issues identified by taxpayers and the Department of Commerce and Economic Opportunity. The bill was hijacked in the Senate and amended to insert a requirement of a “labor peace agreement” as a new condition for receiving a data center tax exemption agreement or renewal of an agreement. **We opposed the amendment and the bill did not move forward.**

[SB 1794](#) (Murphy) This legislation would grant additional authority to 3rd party bounty hunters to conduct audits dealing with locally-imposed and locally-collected utility taxes. As introduced, the bill provides that the statute of limitations set by a unit of local government for the determination and assessment of taxes covered by the Local Government Taxpayer Bill of Rights Act may not exceed 10 years (currently, 4 years) after the end of the calendar year for which the return for the period was filed or the end of the calendar year in which the return for the period was due, whichever occurs later. concerning municipal audits of public utilities, provides that municipalities may request information from public utilities no more than annually (currently, no more than once every 2 years). As amended, the statute of limitations was changed to 7 years. **This bill was assigned to the Revenue & Finance Committee but did not move.**

[HB 1839](#) (Croke) As proposed and passed the House, the bill established the “Corporate Good Citizen Act.” The bill set forth certain criteria that must be met by company seeking a tax credit or exemption administered and granted by the Department of Commerce and Economic Opportunity. We opposed the bill. **When the bill reached the Senate, it was amended to turn it into a shell bill.**

[HB 860](#) (Davis) This was the Cook County Assessor's so-called "data modernization legislation. The bill provides that, in counties with 3,000,000 or more inhabitants, taxpayers of income producing property shall submit income and expense data annually to the chief county assessment officer on or before July 1 of each year. Counties of fewer than 3,000,000 inhabitants may opt into this legislation as well. **This bill was re-referred to Rules Committee.**

[HB 3529](#) (Zalewski) [SB 2062](#) (Castro) These bills were an attempt by the Cook County Assessor to place new information reporting requirements on owners of income producing property. These bills amend the Property Tax Code and require that owners of income-producing properties shall file physical descriptions of their properties with the chief county assessor, on a form and format determined by the chief county assessor. We testified in opposition to these bills. **The bills did not move forward.**

Legislation that passed after being amended to eliminate language we opposed.

[SB 508](#) (Hastings) As amended in the House, the bill incorporated the language from HB 3529 and SB 2062 discussed above. Along with other members of the business community, we opposed this legislation as amended. The legislation was amended to delete the Cook County Assessor’s information reporting requirements in Amendment #5 which **passed the House and in which the Senate concurred.**

Legislation that passed despite our opposition.

[SB 2279](#) (Stadelman) This bill is an Illinois Department of Revenue clean up bill. We opposed one portion of the bill. As originally proposed, the bill amended various tax Acts to provide that upon filing a claim for a credit or for a refund, if the statute of limitations will expire less than 12 months after the date a taxpayer files the claim for credit or refund, that will trigger an automatic 12-month extension of the statute of limitations for assessing additional tax due.

This bill passed both houses and awaits the Governor's decision.

As amended, the Department modified the bill to change the extended statute of limitations for assessment in the event of a refund claim for up to 6 months if there is less than 6 months remaining on the statute of limitations for assessment. We opposed the bill as amended. **The bill passed both chambers over our objection.**

[SB 338](#) (Crowe) this is a legislative initiative of the Treasurer amending the Revised Uniform Unclaimed Property Act. We objected to the portion of the bill that requires “negative reports” by businesses. The bill requires companies that have no unclaimed property to report to file annual reports reporting that they have nothing to report. **The bill passed the House and Senate over our objection.**

Further questions relating to taxes, please contact Keith Staats
at kstaats@ilchamber.org

Technology

Biometric Information Privacy Act (BIPA)

Illinois is notorious for its BIPA laws. Since the Illinois Supreme Court ruled in *Rosenbach v. Six Flags*, Illinois has allowed for costly lawsuits under BIPA even when no actual damages occur to the “aggrieved” person(s). More than 1500 BIPA class actions have been filed in Illinois with an average settlement of \$1.2 million. The Chamber again introduced BIPA reform bills and supported others fourth. A BIPA reform bill, the Chamber’s HB 559 sponsored by House Republican Leader Durkin, was reported favorably out of a committee for the first time.

BIPA reform was included in the first version of the Budget Implementation Bill (BIMP) as Senate Amendment 1 to HB 2499. Unfortunately, it was removed from later amendments to the BIMP. The critical push to reform BIPA will continue another year.

[HB 559](#) (Durkin)- House Bill 559 is the Illinois Chamber’s BIPA language. If within the 30 days the private entity actually cures the noticed violation and provides the aggrieved person an express written statement that the violation has been cured and that no further violations shall occur, no action for individual statutory damages or class-wide statutory damages may be initiated against the private entity. A prevailing party may recover against a private entity that negligently violates the Act, actual damages (rather than liquidated damages of \$1,000 or actual damages, whichever is greater; or against a private entity that willfully violates the Act, actual damages plus liquidated damages up to the amount of actual damages. The Chamber supports this legislation to prevent frivolous and costly lawsuits which number over 1,000. For the first time, a BIPA bill passed out of a legislative committee. **This bill passed the House Judiciary-Civil Committee with a vote of 10-5 but unfortunately was prevented from being called on the House floor.**

[HB 560](#) (Durkin)- This bill deletes a provision regarding a right of action. Provides instead that any violation that results from the collection of biometric information by an employer for

employment, human resources, fraud prevention, or security purposes is subject to the enforcement authority of the Department of Labor. Provides that an employee may file with the Department a violation by submitting a complaint form within one year from the date of the violation. Any other violation of the Act constitutes a violation of the Consumer Fraud and Deceptive Business Practices Act, with enforcement by the Attorney General. The Chamber supports this legislation to prevent frivolous and costly lawsuits which number over 1,000. **This bill was not called in committee.**

[SB 56](#) (Bryant) - Senator Bryant also introduced a BIPA bill. This bill provides that if, within the 30 days, the private entity actually cures the noticed violation and provides the aggrieved person an express written statement that the violation has been cured and that no further violations shall occur, no action for individual statutory damages or class-wide statutory damages may be initiated against the private entity. Provides that a prevailing party may recover actual damages for a negligent violation of the Act. Provides that a prevailing party against a private entity that willfully violates the Act may recover actual damages plus liquidated damages up to the amount of actual damages. **This bill received a hearing in the Senate Judiciary Committee but did not move.**

[HB 3697](#) (Hoffman) - Provides the Workers' Compensation Act does not preempt or prevent an employee from recovering under the Biometric Information Privacy Act. **There is ongoing litigation on this issue. The IL Chamber strongly opposed this bill as it was the only piece of legislation that worsened the state's broken BIPA law. HB 3697 passed the House on a partisan roll call of 74-41-2 but was held in the Senate Judiciary Committee.**

Data

[HB 1811](#) (Andrade) – When using predictive data analytics in determining creditworthiness or in making hiring decisions, the use of predictive data analytics may not include information that correlates with the race or zip code of the applicant for credit or employment. A person or entity that violates the provision commits an unlawful practice under the Consumer Fraud and Deceptive Business Practices Act. **This bill was reported favorably out of the Labor Committee but re-referred to Rules.**

[HB 2404](#) (Buckner) Creates the Right to Know Act. Provides that an operator of a commercial website or online service that collects personally identifiable information through the Internet about individual customers residing in Illinois who use or visit its commercial website or online service shall notify those customers of certain specified information pertaining to its personal information sharing practices. Requires an operator to make available certain specified information upon disclosing a customer's personal information to a third party, and to provide an e-mail address or toll-free telephone number whereby customers may request or obtain that information. Provides for a private right of action to customers whose rights are violated under the Act. **The Chamber has opposed this legislation for the inclusion of a PRA. The bill was posted several times in the House Cybersecurity Committee but was never called for a vote before being re-referred to Rules.**

[HB 2553](#) (Williams) After an agreed amendment with the tech industry, the legislation provided that a law enforcement agency shall not obtain household electronic data or direct the acquisition of household electronic data from a private third party, unless (i) the law enforcement agency obtains a court order based upon probable cause, or (ii) the owner of the household electronic device consents to voluntarily provide the desired household electronic data. **This bill passed both chambers and awaits signature from the Governor.**

[HB 3412](#) (Yang Rohr) – This bill attempts to solve a problem that does not exist with a solution that is not workable. For a breach of security of system data, a data collector must notify the Attorney General in addition to the Illinois resident to whom the breach relates. The notice must be provided no later than 5 days after the breach- not the discovery of the breach. **Since many breaches are discovered many days after their occurrence, this bill was unworkable and opposed by the Chamber. This bill did not receive sufficient support in the House Cybersecurity Committee and was re-referred to Rules.**

[HB 3453](#) (Williams) – HB 3452 attempted to create the Geolocation Privacy Protection Act. The bill would have mandated private entity that owns, operates, or controls a location-based application on a user's device may not disclose geolocation information from a location-based application to a third party unless the private entity first receives the user's affirmative express consent after providing a specified notice to the user. **The bill was not called for a vote in committee and was re-referred to Rules.**

[HB 3910](#) (Mussman) - Creates the Consumer Privacy Act. Provides that a consumer has the right to request that a business that collects the consumer's personal information disclose to that consumer the categories and specific pieces of personal information the business has collected. Requires a business to, at or before the point of collection, inform a consumer as to the categories of personal information to be collected and the purposes for which the categories of personal information shall be used. Requires the business to provide notice when collecting additional categories of personal information or when using a consumer's personal information for additional purposes. **This bill was not called in the Judiciary-Civil Committee and was re-referred to Rules.**

Data Centers:

[HB 2411](#) (Davis) HB 2411 contains arguably the most important provision of the hijacked data center clean up bill (SB 2812). It extends to a qualifying data center 2 years (currently, 90 days) to certify that it is carbon neutral or has attained other specified certification. **This bill passed both chambers unanimously and awaits action from the Governor.**

Miscellaneous Technology Laws

[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. **The bill awaits signature of the Governor.**

[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 passed both chambers and awaits the Governor’s signature.**

[HB 1855](#) (Hoffman) **DCEO Innovation Voucher Program-** This bill provides that the Department of Commerce and Economic Opportunity is authorized to establish the Illinois

Innovation Voucher Program for the purpose of fostering research and development in key industry clusters leading to the creation of new products and services that can be marketed by Illinois businesses. The Chamber supports this legislation promotion of business innovation. Maryland has had great success with a similar program. **The bill awaits signature by the Governor.**

Small Cell Wireless

[HB 2379](#), **Small Cell Wireless** passed the House by a vote of 91-17-3. This bill, as amended, provides for repeal of the Small Wireless Facilities Deployment Act on December 31, 2023 (rather than December 31, 2026). The Chamber strongly supports this bill as it is critical for the future of 5G development. The Chamber's CEO testified in the House committee in support of this bill and we thank those who voted in favor. **After passing the House, the bill was held in the Senate. 5G and other critical telecom sunsets were extended in HB 3743 (see below).**

[HB 3743](#), **Small Cell Wireless/Telecom Law Extensions**. This bill as amended, is the Telecom omnibus bill. This bill extends the emergency telephone systems act with upgraded 911 services. The small wireless Facilities Deployment Act is extended to December 31st, 2024. It also expands prevailing wage for certain jobs contracted by a public utility. The Chamber supports this bill as it extends three critical communication laws that bolster Illinois broadband networks and video services. This bill is critical for greater 5G expansion and innovation in the state. **This bill passed the House and Senate with strong bipartisan support and was signed into law by Governor Pritzker earlier this week.**

[SB 41](#) (Glowiak Hilton) -This bill was chosen as illustrative of the many anti-small cell bills introduced into the General Assembly that failed to move. It provided that a wireless provider may be required to provide the following additional information when seeking a permit to collocate small wireless facilities: (i) a written affidavit signed by a radio frequency engineer with specified certifications; (ii) a written report that analyzes acoustic levels for the small wireless facility and all associated equipment; (iii) information showing the small wireless facility has received any required review by the FCC under the National Environmental Policy Act; and (iv) a certified copy of the original easement documents and other supporting documentation demonstrating that the applicant has the right to install, mount, maintain, and remove a small wireless facility and associated equipment in specified circumstances. The Chamber opposed this legislation due to increased cost for the telecommunication industry as well as the unnecessary burdensome regulation imposed. **This bill failed to advance in the Senate and was re-referred to Assignments Committee.**

There was another dozen or so small cell restricting bills that were introduced this session. None of those bills were called for a committee vote.

Other Key Issues That Failed to Advance This Session

[HB 797](#) (Mazzochi) Created fees and penalties for unauthorized removal of cars parked via a third-party app. This bill misunderstood the usage and utility of the third party apps and placed the burden on the wrong party. The Chamber opposed this bill. **After passing out of the House Transportation Committee It was held on 2nd Reading in the House and later re-referred to Rules.**

[HB 3061](#) (Mussman) and [SB 715](#) (Bush) - Creates the Digital Fair Repair Act. Under this bill, original equipment manufacturers shall: (i) make available to any independent repair provider or owner of equipment manufactured by the original equipment manufacturer the same

diagnostic and repair documentation in the same manner as that information is made available to the manufacturer's authorized repair providers; and (ii) make available for purchase by the owner, his or her authorized agent, or any independent repair provider parts, inclusive of any updates to the embedded software of the parts, upon fair and reasonable terms. Requires manufacturers to make parts, tools, and documentation available when digital equipment is under an express warranty. A violation constitutes an unlawful practice under the Consumer Fraud and Deceptive Business Practices Act. **The IL Chamber traditionally opposes Right to Repair legislation. This bill was held in committee.**

[HB 3640](#) (Spain) – HB 3640 was never called for a vote. It would have created the Technology Addiction Notice Act. An operator of a social media website must include on its social media website a hyperlink that directs users to resources related to technology addiction. The hyperlink must be visible on each page in the social media website. **This bill did not move in the Cybersecurity Committee and was Re-referred to Rules.**

[HB 3641](#) (Spain)- Creates the Social Media Platforms Liability for Incitement of Violence Act. A social media platform having actual knowledge of a post on its platform that causes an incitement of violence shall remove the post within 24 hours. Failure by a social media platform to remove the post within 24 hours shall result in a civil penalty of \$10,000 per violation. **This bill did not move in House Judiciary and was Re-referred to Rules.**

Any further questions please contact Clark Kaericher at ckaericher@ilchamber.org.