



ICCTA Government Relations and Public Policy Report March 18, 2024

The action at the Statehouse last week occurred in committee rooms as the Senate worked toward its March 15 deadline to move substantive bills to the Senate floor. Similarly, the House also moved a lot of bills, but its deadline is not until April 5. Legislators returned to their districts on March 14 for their final push to Primary Election Day tomorrow (Tuesday, March 19). Session will resume on Wednesday, March 20.

*****Please review [ICCTA's BILL LIST](#).**

It is vital that we know your positions so that legislation does not slip through unopposed.***

KEY 2024 SESSION DATES FOR THE 103RD ILLINOIS GENERAL ASSEMBLY

- March 19: Primary Election
- April 5: Deadline – House Bills out of House Committee
- April 12: Deadline – Third Reading Senate Bills in the Senate
- April 19: Deadline – Third Reading House Bills in the House
- May 1: Illinois Community College Caucus reception
- May 2: **ICCTA LOBBY DAY**
- May 3: Deadline – House Bills out of Senate Committee & Senate Bills out of House Committee
- May 17: Deadline – Third Reading House Bills in Senate & Senate Bills in House
- May 24: Adjournment
- May 25-31: *Contingent Session Days for the Budget*

RACES TO WATCH IN TOMORROW'S PRIMARY ELECTION

The following is a non-exhaustive list of what is on the ballot around Illinois:

Three incumbent members of Congress face tough challenges from within their own parties. In the **4th Congressional District**, Democratic U.S. Rep. Chuy Garcia faces Chicago Ald. Raymond Lopez. In the **7th Congressional District**, Rep. Danny Davis is part of a crowded field that includes Chicago City Treasurer Melissa Conyears-Ervin, community organizer Kina Collins, and two others. In the **12th Congressional District**, Republican Rep. Mike Bost has a challenge from former state Sen. Darren Bailey.

Voters in the **1st Illinois Supreme Court District** will select a justice for a full 10-year term, with incumbent Justice Joy Cunningham running for re-election to her seat. Cunningham replaced former Chief Justice Ann Burke in 2022. Cunningham faces Justice Jesse Reyes, who currently serves on Illinois' 1st District Appellate Court.

Vying to replace Kim Foxx, who is not running for a third term, to serve as **Cook County State's Attorney** are democrats Clayton Harris and retired Appellate Court Justice Eileen O'Neill Burke.

Races to watch in the **State Legislature**:

State Senate 20th District (Dem): Natalie Toro (incumbent) vs. Garciela Guzman vs. Dave Nayak

State Senate 58th District (GOP): Terri Bryant (incumbent) vs. Wesley Kash

State Senate 37th District (OPEN GOP): Chris Bishop vs. Tim Yager vs. Li Arellano, Jr.

State Senate 53rd District (OPEN GOP): Jesse Faber vs. Chris Balkema vs. Susan Wynn Bence

State House 4th District (Dem): Lilian Jimenez (incumbent) vs. Kirk Ortiz

State House 5th District (Dem): Kimberly Neely DuBuclet (incumbent) vs. Andre Smith

State House 21st District (Dem): Abdelnasser Rashid (incumbent) vs. Vidal Vasquez

State House 23rd District (Dem): Edgar Gonzalez, Jr. (incumbent) vs. Josephy Mercado

State House 24th District (Dem): Theresa Mah (incumbent) vs. Lai Ching Ng

State House 29th District (Dem): Thaddeus Jones (incumbent) vs. Gloria White

State House 31st District (Dem): Mary Flowers (incumbent) vs. Michael Crawford

State House 36th District (OPEN Dem): Rick Ryan vs. Sonia Khalil

State House 83rd District (Dem): Matt Hanson (incumbent) vs. Arad Boxenbaum

State House 88th District (OPEN GOP): Chuck Erickson vs. Regan Deering

State House 102nd District (GOP): *write in candidates* Adam Niemerg (incumbent) vs. Jim Acklin

State House 110th District (GOP): Blaine Wilhour (incumbent) vs. Matthew Hall

State House 116th District (GOP): Dave Severin (incumbent) vs. Angela Evans

IL STATE CAPITOL LOCKDOWN CLEARED AFTER THREAT

On March 12, Illinois Secretary of State Alexi Giannoulias announced that his office received notice of a threat involving the State Capitol. Out of an abundance of caution, SOS Police issued lockdown and shelter in place orders. After a sweep of the perimeter and the building, an all-clear order was issued and business resumed.

NEW STATE ECONOMIC FORECAST EXPECTS GROWTH FOR FY 2025

The Commission on Government Forecasting Accountability has upped its revenue estimate for the current year by about \$2 billion – moving it slightly above the Governor's February estimate. COGFA did not adjust its estimate for the state's personal income tax collections, but revenue manager Eric Noggle said that a further revision could be forthcoming as the April 15 tax filing deadline approaches.

COGFA noted that general nationwide fears of a recession have subsided, and the scope of the potential slowdown is reflected in Pritzker's proposed spending plan for the upcoming fiscal year. "During our last annual revenue meeting, we mentioned that many of the economic firms were still forecasting such a chance of a recession," COGFA executive director Clayton Klenke said. "But we mentioned that the data that we saw coming in month to month gave us greater confidence that the economy would continue to chug along. And that is what we have continued to see."

SPRING ENROLLMENT AT ILLINOIS COMMUNITY COLLEGES CLIMBS FOR SECOND CONSECUTIVE YEAR

Spring enrollment at Illinois community colleges has increased for the second straight year. According to the Illinois Community College Board, opening spring 2024 enrollment increased by 5.1% percent from the

previous spring. The Illinois system's enrollment growth continues to outpace national growth, which shows a 2.6% increase from 2023. It is also the third largest enrollment increase in nearly 15 years (7.8% increase between spring 2009-2010, and 7.2% between spring 2022-2023).

SUPREME COURT EXPLAINS SOCIAL MEDIA USE FOR PUBLIC OFFICIALS

The U.S. Supreme Court has clarified when a public official who blocks a constituent on social media may be sued for doing so. In a unanimous opinion, the court laid out a two-pronged test for determining when a public official's speech on social media is attributable to the government and can therefore lead to litigation. Under the new standard, an official's social-media activity constitutes state action only if that official had actual authority to speak on the government's behalf, and "purported to exercise" that authority when speaking on social media. Social media users may then sue public officials for blocking them if that test is met.

HOUSE PANEL OPENS HEARINGS ON PRITZKER'S HEALTH INSURANCE REFORMS

The Illinois House Human Services Committee began hearing testimony last week on Gov. JB Pritzker's proposals for sweeping changes in the state's health insurance industry – The Health Care Protection Act. The changes, which Pritzker first unveiled in his State of the State address in February, would limit the ability of companies to deny claims or steer patients toward cheaper treatments. They are contained in an amendment to [House Bill 5395](#).

The changes include banning prior authorization requirements for people to receive in-patient treatment at a psychiatric facility as well as all forms of so-called "step therapy" for prescription drug coverage. Step therapy refers to the practice of requiring a patient to try one or more alternative medications before being allowed to access medications prescribed by their doctor. Other changes in the plan include requiring insurance companies to publicly post the types of treatments and therapies that do require prior authorization; requiring them to maintain accurate lists of the providers who are in their networks; and banning the sale in Illinois of short-term, limited duration insurance plans that do not meet the minimum standards under the federal Affordable Care Act.

Speaking at a news conference after the hearing, Pritzker brushed aside suggestions that his proposals would result in higher costs for consumers. The committee took no action Wednesday, but Chair Anna Moeller (D-Elgin) said that the committee plans to hold more discussions and could vote as early as next week to advance the bill to the full House.

'BRING CHICAGO HOME' VOTES WILL BE COUNTED AFTER ILLINOIS SUPREME COURT DENIES APPEAL

Chicago voters will be allowed to decide the Bring Chicago Home referendum question after the Illinois Supreme Court denied real estate groups' effort to appeal – a decision that brings the winding legal saga to a close less than a week before Primary Election day. The decision cements the referendum's place on the ballot, which asks whether the city should increase a tax on the sale of high-end properties to raise revenue for homelessness prevention.

SENATE COMMITTEE PASSES BILL CHANGING LIABILITY LAWS FOR BIOMETRIC DATA VIOLATIONS

The Illinois Senate Judiciary Committee has passed a bill ([Senate Bill 2979](#)) changing how liability is calculated under the state's Biometric Information Privacy Act. Under current law, companies need to get written consent

from customers and employees to use biometric information like fingerprints, face scanners, and retina scanners. That part of the law would not change, although the bill would allow companies to obtain an electronic signature for consent. What would change is what happens when a company violates the law. Currently, they can be held liable in civil court for \$1,000 in damages for each violation -- which means that every time an employee uses their fingerprint to punch the clock or enter a restricted area, the company could be held liable if they did not get consent. If the proposal becomes law, damages would change to \$1,000 per person.

A 2023 Illinois Supreme Court decision held that White Castle must pay \$17 billion in damages due to liability being calculated on a per-swipe basis. Under the proposed legislation, the bill's sponsor estimated that White Castle would have been liable for less than \$50 million.

SENATE ENERGY COMMITTEE DISCUSSES BATTERY RECYCLING BILLS

The Illinois Senate Energy and Public Utilities Committee recently deliberated on two bills concerning battery recycling and stewardship. [SB 3481](#), sponsored by Sen. Sara Feigenholtz (D-Chicago), focuses on Electric Vehicle battery recycling and storage, aiming to establish a regulatory framework overseen by the Illinois Pollution Control Board. Proponents emphasized the need for proper regulation to mitigate fire risks associated with battery storage facilities. The second bill under discussion was [SB 3686](#), sponsored by Sen. Dave Koehler (D-Peoria). This legislation focuses on establishing a battery stewardship program for portable and medium-format batteries, intending to streamline battery collection and recycling efforts. Ultimately, both bills received favorable responses from committee members, with SB 3686 passing with amendments and SB 3481 passing without opposition.

BUSINESS, LABOR, AGRICULTURE COALITION PROPOSES CARBON CAPTURE LEGISLATION

The Capture Jobs Now Coalition, a new coalition consisting of business, organized labor, and agricultural groups, have announced legislation aimed at advancing carbon capture and storage projects in Illinois. Sponsors say [SB 3311](#) and [HB 569](#) seek to provide a regulatory framework to support CCS initiatives, thereby helping the state achieve its clean energy goals while fostering job creation and economic development.

FUNDING OPPORTUNITIES FOR WATERSHED MANAGEMENT PROJECTS

The Illinois Environmental Protection Agency has announced \$4.75 million in funding through the release of two Section 319(h) Grant Program Notices of Funding Opportunity to address nonpoint source pollution. Illinois EPA is seeking proposals for watershed-based planning projects and watershed-based plan implementation projects to prevent, eliminate, or reduce water quality impairments to Illinois' surface and groundwater resources. Nonpoint source pollution is the result of rain or snowmelt carrying natural and human-made pollutants and depositing them into lakes, rivers, wetlands, and groundwater. It is estimated that over 60% of water pollution issues nationwide can be traced to nonpoint sources.

FUNDING OPPORTUNITY FOR EV CHARGING STATIONS OPENS

The Illinois Department of Transportation has released the first official Notice of Funding Opportunity for Round One of the Illinois National Electric Vehicle Infrastructure Program, which will provide up to \$50 million for the construction of 46 charging stations across the state. The Illinois NEVI program aims to accelerate the adoption of electric vehicles by providing reliable access to charging on Illinois interstates and is part of a series

of comprehensive initiatives to achieve the state's goal of becoming a leader in manufacturing and deploying electric vehicles.

PLAN FOR TRANSFORMATIVE CAPITAL INVESTMENTS IN DOC FACILITIES

The Illinois Department of Corrections is planning to dedicate capital funds to rebuild Logan Correctional Center in Lincoln and Stateville Correctional Center in Crest Hill, addressing critical infrastructure needs at both facilities. The funding is included in the Governor's Fiscal Year 2025 budget proposal. IDOC will work with the Illinois Capital Development Board and stakeholders on a timeline and next steps, with work to begin pending approval of capital appropriations in the FY25 budget.

It is anticipated that Stateville will be temporarily closed and demolished with a new facility to be built on its grounds. Logan's status is still to be worked through with various stakeholders, and the location of the new facility is still being finalized.

The plan estimates construction costs will total between \$805 to \$935 million. Gov. Pritzker's proposed FY25 capital budget included \$900 million in new funds to demolish and rebuild these facilities. In accordance with COGFA process, construction will not commence until all requirements of the State Facilities Closure Act are met. The design and build-out of the new facilities is anticipated to be completed over the next three to five years. IDOC will coordinate closely with staff at these facilities, organized labor, individuals in custody, and other stakeholders to ensure a smooth rebuilding process and the department is continuing its work to hire for a number of open positions.

FUNDING FOR THE HOME ILLINOIS WORKFORCE PILOT PROGRAM

The Illinois Department of Commerce and Economic Opportunity has announced \$5 million in funding for the Home Illinois Workforce Pilot Program. The program's goal is to support individuals experiencing homelessness by improving employment opportunities, helping them establish financial stability and improving their ability to afford permanent housing in their community. The program is an essential part of the Illinois Job Training and Economic Development Program. The JTED Program was created to provide workforce training and wrap-around services to bolster equitable workforce recovery for Illinoisans struggling to gain meaningful employment as a result of the COVID-19 pandemic.

ILLINOIS GAMING BOARD RENEWS PAR-A-DICE CASINO LICENSE

The Illinois Gaming Board has renewed the license for Par-A-Dice Hotel Casino in East Peoria. Par-A-Dice Gaming Corporation presented its case for license renewal, emphasizing plans for a modernized gaming facility. Initially licensed on February 14, 1992, the casino received a four-year renewal, contingent on submitting a project development plan to the IGB by March 14, 2026.

SUPREME COURT APPROVES PRE-TRIAL RELEASE APPEALS TASK FORCE REPORT

The Illinois Supreme Court announced that it has approved the report and recommendations of the Pretrial Release Appeals Task Force Report. The task force convened to review the recent surge in pretrial release appeals throughout the state's five Appellate Courts, which have risen dramatically since the implementation of the Pretrial Fairness Act in September 2023.

The Supreme Court’s amended rules are available [HERE](#) and are effective April 15, 2024. The full report with recommendations can be found [HERE](#). The amended rules are intended to streamline the pretrial release appeals process to relieve pressure on the judicial system while maintaining the same rigorous standards of review.

MADISON COUNTY JUDGE RULES STATE VENUE SHOPPING LAW UNCONSTITUTIONAL

A state law that requires lawsuits alleging violations of the Illinois Constitution to be filed only in Cook or Sangamon counties has been ruled unconstitutional as applied to a case from Madison County. Approved last year and signed by Gov. Pritzker, [House Bill 3062](#) was opposed by Republicans who said that limiting where people can sue the state to just two of the state’s 102 counties is “tyrannical.” The law “does violate due process, as applied to persons who reside or were injured outside of Cook or Sangamon County,” Madison County Judge Ronald Forest, Jr. wrote. “The motion to transfer is Denied, as [the law] is unconstitutional, as Defendant seeks to apply it.” In its motion to move the case to Sangamon County, the state said that the litigants can participate in court proceedings remotely with video conferencing. Forest said that the state could also video conference into Madison County.

For more information on state legislative and public policy issues, please contact:

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