



ADVOCACY UPDATE

The Greater Springfield Chamber of Commerce is a significant voice for business in Springfield and Sangamon County and has an obligation to its members to represent their interests to all levels of government and to the public. The Chamber supports laws and ordinances that encourage entrepreneurship, development, job creation and investment. The Chamber opposes public policy that creates unnecessary regulations and/or burdens on the business community that will negatively impact the business climate and the creation of new jobs.

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Activity at the State Capitol

Illinois lawmakers have filed thousands of bills in the 101st General Assembly. Here is a sampling, including some bills from last year. We will continue to monitor activity at the Capitol. In keeping with our policy agenda, the Chamber will weigh in when appropriate. As always, we encourage members to do the same.

Taxes & Tax Incentives

[SB 2481](#) - would amend the Use Tax Act and the Retailers' Occupation Tax Act, restoring the vehicle trade in credit that was removed last year in the capital bill. The bill would remove the \$10,000 auto trade-in limitation.

[HB 4021](#) - would amend the Illinois Income Tax Act, allowing small businesses to save up for capital expenditures and projects. The bill would create an income tax deduction for an amount of up to \$50,000 per tax year contributed to a small business asset purchase account and all interest earned on such accounts during the tax year. Provides that a "small business asset purchase account" means an account established by a taxpayer, the proceeds of which are used to purchase property used primarily in Illinois for which a federal income tax deduction is claimed under Section 179 of the Internal Revenue Code. Provides an additional modification for amounts withdrawn from a small business asset purchase account that are not used for qualified purchases.

[SB 1379](#) - would amend the Property Tax Code. Provides that, in counties with 3,000,000 or more inhabitants, taxpayers of income producing property shall submit income and expense data related to the property annually to the chief county assessment officer. Provides that, in counties with fewer than 3,000,000 inhabitants, the county board may provide by resolution that taxpayers of income producing property shall submit income and expense data annually to the chief county assessment officer. Provides that, when determining the value of property for assessment purposes, the assessor may consider all relevant information pertaining to the fair cash value of the property, including, but not limited to, income and expense data, sales data, property characteristics data, construction cost data, appraisals, and other valuation information. This bill passed the Senate last spring and is currently in the House Property Tax Subcommittee.

[HB 4138](#) and [SB 2502](#) - would create the Phase Out Corporate Giveaways Interstate Compact. Would allow any state to enter into a compact agreeing not to offer or provide company specific tax incentives or company specific grants to any entity for a corporate headquarters, manufacturing facility, office space, or other real estate development located in any other member state. These incentives can lead to growth in Illinois, agreeing not to offer or provide such incentives will put Illinois at a disadvantage.

Fair Maps Amendment

[HJRCA 41](#) and [SJRCA 18](#) - Democratic and Republican lawmakers joined forces on February 13 to again call for changes in the way political boundaries are drawn in the state by filing the Fair Maps Amendment. The House and Senate would need to approve the proposed amendment by 3/5 majorities by early May for it to appear on the ballot in November.

Minimum Wage Withholding Tax Credit

[HB 2900](#) - would amend the Illinois Income Tax Act, basing the amount of a withholding tax credit for businesses on the business's geographic location in the state. This legislation attempts to undo some of the costs incurred by employers due to SB1 and the \$15.00 minimum wage. This would, in effect, regionalize the minimum wage law.

Employment

[HB 4699](#) and [SB 3021](#) - would amend the Illinois Freedom to Work Act. Expands the scope of the Act to apply to all employees (rather than only low-wage employees). Prohibits all covenants not to compete.

[HB 5454](#) - would amend the Illinois Freedom to Work Act. Provides that an employer that elects to enforce a covenant not to compete under the Act must pay to the employee subject to the covenant full compensation, including all benefits, that the employee would have received had his or her employment not been discontinued for the time specified in the covenant not to compete or until the separated employee is employed full-time at a commensurate rate of pay and benefits in a field of work not subject to the covenant not to compete. Provides that an attempt to enforce a covenant not to compete in a manner that does not comply with the new provisions voids the covenant not to compete.

[SB 3430](#) - would amend the Illinois Freedom to Work Act. Extends the applicability of the Act to all employees. Provides that a covenant not to compete is illegal and void if the employee does not receive adequate consideration and the covenant is ancillary to a valid employment relationship. Requires covenants not to compete to be no more expansive than required for the protection of legitimate business interests, to not impose undue hardship on the employee, and to not be injurious to the public.

[HB 5343](#) - would amend the Illinois Worker Adjustment and Retraining Act. Provides that employers employing 100 or more full-time employees shall provide severance pay to employees. Provides that employers that employ 100 or more full-time workers must provide notice 90 days, rather than 60 days, before a layoff order takes effect.

[HB 9](#) - would create the Paid Family Leave Act. Requires private employers with 50 or more employees to provide 6 weeks of paid leave for an employee who takes leave: (1) because of the birth of a child of the employee and in order to care for the child; (2) to care for a newly adopted child under 18 years of age or a newly placed foster child under 18 years of age or a newly adopted or newly placed foster child older than 18 years of age if the child is incapable of self-care because of a mental or physical disability; or (3) to care for a family member with a serious health condition. Provides that paid family leave shall be provided irrespective of the employer's leave policies; and shall be provided to an employee who has been employed by the employer for at least one year.

[HB 5168](#) - would create the Paid Family Leave Act. Requires a private employer to provide 4 weeks of paid leave to an employee who takes leave: (1) because of the birth of a child of the employee and to care for the child or (2) to care for a newly adopted child under 18 years of age, a newly placed foster child under 18 years of age or a newly adopted or newly placed foster child older than 18 years of age if the child is incapable of self-care because of a mental or physical disability. Provides that paid family leave shall be provided irrespective of the employer's leave policies and shall be provided to an employee who has been employed by the employer for at least one year.

[HB 5453](#) – would amend the Equal Pay Act of 2003. Requires employers to disclose to any person who receives compensation from the employer, whether as an employee or as a contractor, pay scales for all positions for which the employer pays compensation.

[HB 4837](#) and [SB 3194](#) - would create the Employee Background Fairness Act. Prohibits an employer from refusing to hire an individual and discharging an individual because of the individual's criminal history unless the individual has one or more convictions and there is a direct relationship between one of more of an individual's convictions and the specific employment sought. Prohibits retaliation for exercising rights under the Act. Provides that an individual denied or discharged from employment because of his or her criminal history

in violation of the Act may recover from the employer in a civil action: (1) damages in the amount of \$2,000 or actual damages, whichever is greater; (2) costs and reasonable attorney's fees as allowed by the court; and (3) any other appropriate relief, including punitive damages.

[HB 4881](#) - would create the Fair Workweek Act. Requires certain employers to provide employees with a good faith estimate of the employee's work schedule. Sets forth the contents of the estimate, including the median number of hours the employee can expect and the manner in which standby lists will be utilized. Requires written work schedules to be provided to employees 14 days in advance. Specifies minimum periods of rest between shifts. Provides for administration by the Department of Labor.

[HB 5229](#) - would amend the Illinois Secure Choice Savings Program Act and provides that the Act applies to employers with at least one employee, rather than fewer than 25 employees. Provides for automatic increases in contributions. Makes changes regarding penalties for employers who fail, without reasonable cause, to enroll an employee in the Program.

[HB 4051](#) - would amend the Transportation Network Providers Act. Provides that, notwithstanding any laws to the contrary, a transportation network company and a driver may establish by contract that the driver is an independent contractor and not an employee.

[SB 471](#) – would amend the Labor Dispute Act, requiring all Illinois employers regardless of size to offer paid leave to every employee - full and part time - up to 40 hours per year. The bill passed in the Senate last spring and is currently in the House Rules Committee.

[HB 5375](#) and [SB 3592](#) - would amend the Biometric Information Privacy Act. Changes the term of "written release" to "written consent". Provides that the written policy that is developed by a private entity in possession of biometric identifiers shall be made available to the person from whom biometric information is to be collected or was collected (rather than to the public). 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 or former employee may file a complaint with the Department a violation by submitting a signed, completed complaint form. Provides that all complaints shall be filed with the Department within one year from the date of the violation. Provides that any other violation of the Act constitutes a violation of the Consumer Fraud and Deceptive Business Practices Act, with enforcement by the Attorney General or the appropriate State's Attorney. Provides that the Act does not apply to a private entity if the private entity's employees are covered by a collective bargaining agreement that provides for different policies regarding the retention, collection, disclosure, and destruction of biometric information.

Workers Compensation

[SB 3433](#) - would amend the Workers' Compensation Act. Establishes standards with respect to cannabis for impairment sufficient to bar compensation for injuries to employees who are intoxicated. Provides that the presence of 5 nanograms of tetrahydrocannabinol in the blood or 10 nanograms of tetrahydrocannabinol in other bodily substances shall create a rebuttable presumption that intoxication is the proximate cause of the injury. Contains the statement: "Authorized use may be evidenced only by written consent by the employer to the employee, which consent shall not be unreasonably withheld".

[HB 4151](#) - would amend the Workers' Compensation Act. Among other items, it would adjust the 2011 requirement that workers compensation arbitrators must move districts every two years to every four years.

Government Ethics Reform

[HB 4558](#) - would amend the State Officials and Employees Ethics Act, giving the state's Legislative Inspector General more authority to do his or her job.

[SB 2314](#) - would amend the State Officials and Employees Ethics Act, establishing a two-year period before a statewide elected official, the executive, deputy executive, or administrative head of a State agency, or a member of the General Assembly can become a lobbyist.

[HB 4042](#) - would amend the Illinois Governmental Ethics Act, preventing state lawmakers, their spouses, or immediate family members from lobbying other units of government.

[HB 4041](#) - would amend the Illinois Governmental Ethics Act, establishing very clear rules for when state lawmakers must recuse themselves from voting on a bill that would benefit them personally, or benefit an immediate family member.

Environmental

[HB 5169](#) and [SB 3677](#) - would amend the Environmental Protection Act, banning disposable food service containers composed in whole or in part of polystyrene foam from restaurants beginning in 2022.

[HB 5552](#) and [SB 3424](#) - would create the Illinois Container Fee and Deposit Act. Provides for a deposit value of 5 cents to be paid by consumers on each beverage container sold in the State by a dealer for consumption. Provides that upon the return to a dealer or person operating a redemption center, the dealer or redemption center shall pay the value of the deposit back to the consumer as a refund. Amends the Illinois Food, Drug and Cosmetic Act. Provides that a full-service restaurant or quick service restaurant shall not provide single use plastic disposable foodware items to a consumer ordering or purchasing dine-in food unless requested by the consumer.

[HB 3335](#) and [SB 3423](#) - would create the Carryout Bag Fee Act. Provides that a carryout bag fee of \$0.10 is imposed on each carryout bag used by a customer at retail establishments.

[HB 3379](#) and [SB 2920](#) - would create the Plastic Straw Ban Act. Provides that no bar, restaurant, or any business that sells food to the public may provide to a customer a single-use plastic straw unless requested by the customer.

[HB 3486](#) - would create the Electronic Proof of Purchase Act, banning the use of paper receipts beginning in 2022 unless requested by the customer.

Miscellaneous

[HB 4284](#) - would create the Electric Vehicle Charging Act, requiring any new residential construction to have a dedicated circuit that runs to the garage or all parking spaces to make it "electric vehicle ready." The measure "provides that a new or renovated residential building is required to have a certain percentage, based on the number of units in the residential building, of its total parking spaces either electric vehicle ready or electric vehicle capable," according to the text of the bill. Any new residential property with six or fewer parking spaces would have to have a dedicated outlet for each spot under the terms of the bill.

[HB 2838](#) - would amend the Illinois Wage Payment and Collection Act. Would hold General Contractors (GC) liable for payment of wages to employees of a subcontractor even when the GC has paid the subcontractor in full. This bill passed in the House last spring and is currently in the Senate Judiciary Committee.

[HB 2736](#) - would create the Right to Know Act. This creates a new act that would prohibit the handling of customers' personal data without their consent or knowledge. Businesses would be forced to create individual files for every customer regarding their personal information and must set up a 1-800 number or email address to reply to specific consumer inquiries within 30 days. Also, this bill would create a Right to Action where customers can sue if their rights are violated under the act.

[HB 2026](#) and [SB 2088](#) - would create the Digital Fair Repair Act otherwise known as the Right to Repair. This bill would force original equipment manufacturers (from tablets to tractors) to provide sensitive repair and diagnostic documentation, including embedded software updates, to independent repair providers and/or to owners of equipment, in the same manner as that information is made available to the manufacturer's authorized repair providers.

[HB 1614](#) - would amend the Criminal Code of 2012, increasing the threshold considered for retail theft as a felony from \$500 to \$2,000.

[HB 4571](#) - would create the Gas Station Attendant Act. Provides that no gas may be pumped at a gas station in this State unless it is pumped by a gas station attendant employed at the gas station. **This bill has been tabled.**