



“Lame Duck Session” Update: January 9, 2023

The General Assembly was in session on Wednesday, Thursday and Friday (i.e. January 4th-6th), and during that time there was considerable committee and floor action in both chambers. Both chambers adjourned for most of the weekend with the Senate returning to Springfield on Sunday evening (January 8th), and the House set to return to Springfield on Tuesday (January 10th). The Illinois House and Senate are currently in the final session days of the 102nd General Assembly. The so-called “Lame Duck Session” will conclude no later than 12:00 p.m. on Wednesday, January 11th.

As IMSCA members likely recall, during the regularly scheduled Fall Veto Session, the General Assembly considered and passed several pieces of legislation related to the unemployment trust fund, amendments to the SAFE-T Act, various TIF district extensions, and electric vehicle incentives – all of which have since been approved by Governor Pritzker. Also, a Kankakee County Circuit Court judge recently ruled that the pretrial release provisions in the SAFE-T Act are unconstitutional. It has already been announced and expected that the Illinois Attorney General will appeal the ruling to the Illinois Supreme Court. At this point, it is unclear as to whether the General Assembly will seek statutory changes to the SAFE-T Act in response to the Circuit Court’s ruling.

Democratic leaders signaled their top priorities for the “Lame Duck Session” were **gun control** and **reproductive health**. At this point, it is unclear if these legislative priorities will be finalized during the remainder of the 102nd General Assembly or if these issues will get “pushed over” to the next General Assembly.

Late in the evening on Friday (January 6th), the Illinois House approved a wide-ranging bill (**SB 2226 as amended**) banning the sale of most semi-automatic rifles and limiting the capacity of handgun magazines against strong Republican objections. Outgoing House Republican Leader Jim Durkin was the only member of the House Republican caucus who voted for the bill. SB 2226 is awaiting action in the Senate, where approval of the legislation isn’t guaranteed. The Senate Democrats unveiled its own version of an assault weapons ban over the weekend. The Senate version was criticized by Governor Pritzker and House Speaker Welch for not going nearly far enough in keeping Illinoisans safe from gun violence. It’s possible that the Senate will take up their version of gun control this morning in committee and potentially move it to the floor as early as this afternoon. Unless additional changes are made to the Senate’s version of gun control legislation – it’s possible that two versions of gun control legislation could die in the other chamber without final action by noon on Wednesday.

Similarly, supporters of legislation aimed at protecting out-of-state doctors and patients who come to Illinois for reproductive health care question what action, if any, the Illinois Senate will take on **SB 3799**. In both cases (SB 2226 and SB 3799), the Senate

Democrats haven't committed to supporting either bill – stating only that the Senate Democrats share “similar goals” with the House Democrats on addressing these important issues.

The most important issue to the Illinois construction industry that saw “Lame Duck Session” action was a proposal to amend the Illinois procurement code. **HB 4285 as amended** sought numerous changes to the procurement code. **Among the proposed changes was the inclusion to provide that any procurement of construction not exceeding \$250,000 may be made without competitive source selection**, which triggered opposition from the Illinois construction industry, including IMSCA.

IMSCA issued a Call to Action which resulted in many IMSCA members contacting their legislators, partners in organized labor and filing witness slips. Over 100 opposition witness slips were filed against HB 4285 as amended – many of which were from union contractors, organized labor and minority construction associations. Most importantly, IMSCA's efforts resulted in an agreement with the proponents of HB 4285 to remove the provision that triggered our opposition.

The details of the agreement reached provided that a forthcoming trailer bill will include language that will restore current law, keeping the “small purchase” threshold at \$100,000. Our language was included in **SB 1720 House Floor Amendment 3; which was approved by the Illinois House late Friday night (January 6th) and approved by the Illinois Senate yesterday (January 8th). SB 1720 as amended has already been sent to the Governor for approval. It is anticipated that SB 1720 will be signed into law before noon today (January 9th).**

The reason for the quick action by both chambers and the Governor is due to the inclusion of additional provisions such as additional investments in the state's “rainy day” fund, a “closing fund” for the Governor to attract business to Illinois – and most controversially, pay raises for legislators, constitutional officers and agency directors. The Illinois constitution prohibits changing legislator or constitutional officer pay midterm; thus, the pay increases must be signed into law prior to the constitutional officers taking the oath of office today (January 9th) at noon.

Additional important legislative weekend news includes:

- On Tuesday, January 11th when the 102nd General Assembly ends, former House Republican Leader Jim Durkin will retire after serving 24 years in the legislature. Leader Durkin served nine of his 24 years as the House Republican Leader. Leader Durkin has been a strong ally for the Illinois construction industry and will be dearly missed.
- City of Champaign Township Assessor, Paul Faraci was chosen to replace the late Senator Scott Bennett (D-Champaign). Faraci's term will begin at noon on Wednesday (January 11th).
- State Representative Tom Bennett (R-Gibson City) was chosen to replace Senator Jason Barickman who recently announced his resignation from the

Illinois Senate. Bennett will be sworn in Wednesday. Bennett's appointment to the Senate creates a vacancy in the 106th House District, which will be filled in the coming weeks.

- The inauguration of the statewide Constitutional Officers (Governor, Lieutenant Governor, Secretary of State, Attorney General, Treasurer and Comptroller) will be held today (January 9th).
- The inauguration of the 103rd General Assembly members will be held at noon on Wednesday, January 11th.

IMSCA anticipates that many bills for the 103rd General Assembly will start being introduced as soon as Wednesday, January 11th. IMSCA's lobbying team will be closely monitoring new bill introductions and identifying those that are of importance to the Illinois construction industry. Additionally, we will continue to monitor issues that are of particular importance to Illinois subcontractors in the final days of the 102nd General Assembly.

If you have questions regarding information contained in this report, please do not hesitate to contact Jessica Newbold Hoselton by calling 217.523.4361 or by email at jnewbold@boldnewstrat.com