



Legislative Update March 9, 2020

The Illinois General Assembly held session last week and will return to Springfield on March 18th. There has not been a lot of action taken on legislative measures so far this session. However, that is likely to change once the March 17th primary is behind us and we inch closer to deadline for bills to be passed out of committee. The committee deadline is March 27th. IMSCA is engaged in many bills of interest to the Illinois construction industry. Here is a list of highlights your IMSCA lobbyist is currently working on:

SB 3427 (Sen. Crowe) is an IMSCA legislative initiative. SB 3427 amends Sections 7 and 24 of the Mechanics Lien Act. These sections describe the requirements for contractors and subcontractors to perfect their mechanic liens for work performed on Illinois real property. Subcontractors, but not contractors, must serve a notice on the property owner within 90 days of the subcontractors' last date of furnishing labor or materials. SB 3427 seeks to permit the notice to be served within 90 days of the completion of the contractor's contract with the owner. This change will essentially place subcontractors and general contractors on the same schedule for perfecting their liens. SB 3427 is assigned to Senate Judiciary Committee. **It is possible SB 3427 will be heard in committee the week of March 18th.**

SB 3496 (Villivalam) is also an IMSCA legislative initiative. SB 3496 seeks to renew a sunset provision in current law (P.A. 97-966) that extends the time a commercial construction project may last and still permit the filing of a mechanics lien from 3 to 5 years. The current law contains a sunset provision that is set to expire this year. SB 3496 proposes another 5 year extension to this law. SB 3496 is assigned to Senate Judiciary Committee. **It is possible SB 3496 will be heard in committee the week of March 18th.**

SB 2975 (Ellman) and **HB 4605 (Connor)** are companion bills proposing to mandate groundwater monitoring at Clean Fill (CCDD/USFO) sites. IMSCA, along with many other construction industry associations oppose these bills. CCDD sites are limited by law to only accept clean soil, broken up concrete (without protruding rebar), rock, stone, bricks and reclaimed asphalt pavement. The overwhelming majority of material going into CCDD sites is uncontaminated soil. The costs of mandated groundwater monitoring would force many clean fill operators to close. This action would force clean material to be hauled to landfills where tipping fees are several times higher and often much farther distances; which would in turn increase construction costs. SB 2975 is assigned to sub-committee while HB 4605 is assigned to House Energy & Environment Committee.

SB 3185 (Munoz) and **HB 5345 (Kifowit)** propose to remove the parameters in current law that protect multiple prime bidding with the Capital Development Board. The Capital Development Board's current statutory authority to use the single prime delivery method states "the CDB shall not use the single prime delivery method for more than 50% of the total number of projects bid for each fiscal year". SB 3185 was recently amended and reinserts language protecting the multiple prime delivery method for another five years. Both of these bills also create a pilot program to allow institutions of higher education to use the single prime delivery method. In an effort to learn more about these delivery methods, Representative Kifowit recently held two subject matter hearings on single vs. multiple prime contracting in the House State Government Administration Committee. These subject matter hearings largely revolved around meeting BEP goals using the single and multiple prime delivery methods. Negotiations on single vs. multiple prime contracting are ongoing. Interested parties are continuing to work toward agreed language. This is an issue IMSCA is monitoring very closely and will continue to provide updates as these negotiations move forward.

HB 2838 (Gong-Gershowitz/Aquino) is re-assigned to Senate Judiciary Committee. HB 2838 is an initiative of the Carpenter's Union. This bill amends the Wage Payment and Collection Act, by seeking to hold general contractors liable for the payment of wages to employees of a subcontractor even when the general contractor has paid the subcontractor in full. IMSCA, along with our industry partners remain opposed to HB 2838. IMSCA staff spoke with Senator Aquino to express our continued opposition to HB 2838. Senator Aquino stated the bill will be amended and negotiations on this issue will take place in the coming weeks.

Legislators will return to Springfield on March 18th after the primary election is over. If you have not taken advantage of Illinois early voting opportunity – please remember to exercise your right to vote in the March 17th primary election.

Please mark your calendars and plan to attend **IMSCA's 2020 Lobby Day on Tuesday March 24th at The Inn at 835 in Springfield**. IMSCA staff encourages you to invite your colleagues to attend this important event. We will discuss the above mentioned issues and more that are important to the Illinois construction industry and your business. Full event details can be found on IMSCA's website at www.imsca.org. IMSCA's Lobby Day is generously sponsored by the ***Finishing Contractors Association of Illinois, Underground Contractors Association of Illinois*** and ***ASA Chicago – Association of Subcontractors and Affiliates***. Thank you to our sponsors for your generous support!

IMSCA staff looks forward to representing the Illinois sub-contracting industry in Springfield this legislative session. We are confident that by working alongside our members IMSCA will have another legislatively successful year.

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