

**IBTA Legislative Report**

**May 31, 2023**

The House and Senate were scheduled to adjourn Friday, May 19th. The House and Senate returned to Springfield Wednesday, May 24th to finish their work and approve the Fiscal Year 2024 state budget. The Senate passed the budget Thursday, May 25th and the House adjourned around 3:00 a.m. Saturday, May 27th after passing the budget. None of the bills the IBTA opposed passed the House or Senate.

The [House Veto Session Calendar](https://www.ilga.gov/house/schedules/2023_House_Veto_Session.pdf) and [Senate Veto Session Calendar](https://www.ilga.gov/senate/schedules/2023_Veto_Calendar.pdf) have both Chambers returning October 24-26 and November 7-9. The following report provides a final status of the bills the IBTA worked on this session.

**Bills Signed into Law:**

[SB 328](https://www.ilga.gov/legislation/BillStatus.asp?DocNum=328&GAID=17&DocTypeID=SB&LegID=144038&SessionID=112&GA=103) Automatic Contract Renewal (Public Act 103-0070)

[SB 851](https://www.ilga.gov/legislation/BillStatus.asp?DocNum=851&GAID=17&DocTypeID=SB&LegID=145004&SessionID=112&GA=103) State Government – Illinois Century Network Study (Public Act 103-0483)

[SB 1438](https://www.ilga.gov/legislation/billstatus.asp?DocNum=1438&GAID=17&GA=103&DocTypeID=SB&LegID=146125&SessionID=112) Illinois Dig Once Act (Public Act 103-0378)

[HB 1364](https://www.ilga.gov/legislation/billstatus.asp?DocNum=1364&GAID=17&GA=103&DocTypeID=HB&LegID=143520&SessionID=112) 9-8-8 Task Force (Public Act 103-0105)

[HB 3808](https://www.ilga.gov/legislation/BillStatus.asp?DocNum=3808&GAID=17&DocTypeID=HB&LegId=149066&SessionID=112&GA=103) Utility-Video Service Define (Public Act 103-0360)

[HB 3940](https://www.ilga.gov/legislation/BillStatus.asp?DocNum=3940&GAID=17&DocTypeID=HB&LegId=149210&SessionID=112&GA=103) Emergency Telephone Systems (103-0366)

**Bills Not Approved by Deadlines – Dead**

[HB 1381](https://www.ilga.gov/legislation/BillStatus.asp?DocNum=1381&GAID=17&DocTypeID=HB&LegID=143553&SessionID=112&GA=103) Right-to-Know Act (Rep. Buckner)

[HB 1503](https://www.ilga.gov/legislation/BillStatus.asp?DocNum=1503&GAID=17&DocTypeID=HB&LegID=143772&SessionID=112&GA=103) Small Wireless Facilities – Application Fee (Rep. Ford) - Oppose

[HB 1506](https://www.ilga.gov/legislation/BillStatus.asp?DocNum=1506&GAID=17&DocTypeID=HB&LegID=143776&SessionID=112&GA=103) Small Wireless Facilities (Rep. Ford) - Oppose

[HB 2252](https://www.ilga.gov/legislation/billstatus.asp?DocNum=2252&GAID=17&GA=103&DocTypeID=HB&LegID=146677&SessionID=112) BIPA-Procedure-Limit Damages (Rep. Ugaste)

[HB 2259](https://www.ilga.gov/legislation/billstatus.asp?DocNum=2259&GAID=17&GA=103&DocTypeID=HB&LegID=146750&SessionID=112) BIPA-Security Purposes (Rep. Ugaste)

[HB 2263](https://www.ilga.gov/legislation/billstatus.asp?DocNum=2263&GAID=17&GA=103&DocTypeID=HB&LegID=146823&SessionID=112) Underground Utilities-Various (Rep. Walsh, Jr.)

[HB 2470](https://www.ilga.gov/legislation/billstatus.asp?DocNum=2470&GAID=17&GA=103&DocTypeID=HB&LegID=147554&SessionID=112) Low-Income Broadband Program (Rep. Aaron Ortiz) - Oppose

[HB 3199](https://www.ilga.gov/legislation/BillStatus.asp?DocNum=3199&GAID=17&DocTypeID=HB&LegId=148353&SessionID=112&GA=103) BIPA-Various (Rep. Keicher)

[HB 3204](https://www.ilga.gov/legislation/BillStatus.asp?DocNum=3204&GAID=17&DocTypeID=HB&LegId=148358&SessionID=112&GA=103) BIPA-1-Year Limitation (Leader McCombie)

[HB 3369](https://www.ilga.gov/legislation/billstatus.asp?DocNum=3369&GAID=17&GA=103&DocTypeID=HB&LegID=148534&SessionID=112) Telephonic Solicitation (Rep. Jimenez)

[HB 3385](https://www.ilga.gov/legislation/billstatus.asp?DocNum=3385&GAID=17&GA=103&DocTypeID=HB&LegID=148551&SessionID=112) Data Privacy and Protection (Rep. Rashid)

[HB 3438](https://www.ilga.gov/legislation/billstatus.asp?DocNum=3438&GAID=17&GA=103&DocTypeID=HB&LegID=148605&SessionID=112) Keep Internet Devices Safe Act (Rep. Sosnowski)

[HB 3564](https://www.ilga.gov/legislation/billstatus.asp?DocNum=3564&GAID=17&GA=103&DocTypeID=HB&LegID=148735&SessionID=112) Property Tax-Cell Towers (Rep. Rashid)

[HB 3603](https://www.ilga.gov/legislation/BillStatus.asp?DocNum=3603&GAID=17&DocTypeID=HB&LegID=148805&SessionID=112&GA=103) Protect Health Data Act (Rep. Ann Williams)

[HB 3689](https://www.ilga.gov/legislation/billstatus.asp?DocNum=3385&GAID=17&GA=103&DocTypeID=HB&LegID=148551&SessionID=112) Broadband Adoption Fund-Misc (Rep. Mussman) - Oppose

[HB 3811](https://www.ilga.gov/legislation/BillStatus.asp?DocNum=3811&GAID=17&DocTypeID=HB&LegID=149069&SessionID=112&GA=103) Biometric Information Privacy Act (Burke/Cunningham)

[HB 4078](https://www.ilga.gov/legislation/BillStatus.asp?DocNum=4078&GAID=17&DocTypeID=HB&LegId=149993&SessionID=112&GA=103) Utilities-Channel Selection (Moylan) - Oppose

[SB 160](https://www.ilga.gov/legislation/BillStatus.asp?DocNum=160&GAID=17&DocTypeID=SB&LegId=143612&SessionID=112&GA=103) Phone Solicitation Spoofing (Glowiak Hilton) (Passed Senate 57-0-0)

[SB 326](https://www.ilga.gov/legislation/billstatus.asp?DocNum=326&GAID=17&GA=103&DocTypeID=SB&LegID=144036&SessionID=112) Emergency Telephone Systems (Cunningham)

[SB 1365](https://www.ilga.gov/legislation/BillStatus.asp?DocNum=1365&GAID=17&DocTypeID=SB&LegId=145680&SessionID=112&GA=103) Right to Know Act (Halpin)

[SB 1403](https://www.ilga.gov/legislation/BillStatus.asp?DocNum=1403&GAID=17&DocTypeID=SB&LegId=145737&SessionID=112&GA=103) 9-8-8 Task Force (Fine)

[SB 1437](https://www.ilga.gov/legislation/billstatus.asp?DocNum=1437&GAID=17&GA=103&DocTypeID=SB&LegID=146124&SessionID=112) Universal Broadband Act (Sen. Ventura) – Oppose

[SB 1506](https://www.ilga.gov/legislation/billstatus.asp?DocNum=1506&GAID=17&GA=103&DocTypeID=SB&LegID=146238&SessionID=112) BIPA-Security Purposes (Cunningham)

[SB 1511](https://www.ilga.gov/legislation/billstatus.asp?DocNum=1511&GAID=17&GA=103&DocTypeID=SB&LegID=146244&SessionID=112) BIPA-Security Purposes (Cunningham)

[SB 1740](https://www.ilga.gov/legislation/billstatus.asp?DocNum=1740&GAID=17&GA=103&DocTypeID=SB&LegID=146541&SessionID=112) Ransomware Attack Act (Sen. Stadelman)

[SB 2307](https://www.ilga.gov/legislation/billstatus.asp?DocNum=1919&GAID=17&GA=103&DocTypeID=SB&LegID=146771&SessionID=112) Commercial Data Collector Tax (Sen. Villanueva)

**Fiscal Year 2024 Broadband Funding:**

The FY 2024 Budget reappropriated funding for Round 3 of the Connect Illinois broadband grant program and appropriated $100 million funding for the Broadband Equity, Access, and Deployment (B.E.A.D.) program based on the initial $100 million each state will receive from the National Telecommunications Information Administration (NTIA). Additional funding allocations for states through the BEAD program will be announced June 30th.

**2023 Spring Legislative Session Priority Bills/Issues:**

**Broadband**

[**SB 851**](https://www.ilga.gov/legislation/BillStatus.asp?DocNum=851&GAID=17&DocTypeID=SB&LegID=145004&SessionID=112&GA=103) **State Government – Illinois Century Network Study (Ventura)**

Senate Amendment 1 was filed for Senate Bill 851 and the bill was posted for a committee hearing two hours later. The amendment encouraged the expansion of the Illinois Century Network, run by the Illinois Department of Innovation and Technology to provide retail broadband service in unserved or underserved areas of the state. It also attempted to expand the service of the state-owned and run Illinois Century Network. The IBTA opposed the proposal but moved to Neutral with the adoption of Senate Amendment 2, which confines the legislation to an evaluation of state agency provided broadband service to schools, libraries, and correctional facilities, which removed industry opposition.

[**SB 1437**](https://www.ilga.gov/legislation/billstatus.asp?DocNum=1437&GAID=17&GA=103&DocTypeID=SB&LegID=146124&SessionID=112) **Universal Broadband Act (Sen. Ventura) – Oppose (Dead)**

Creates the Universal Broadband Act. Creates the Office of Broadband Access within the Department of Commerce and Economic Opportunity. Provides that the Office of Broadband Access shall oversee the construction, development, and operation of a Statewide retail broadband network to provide reliable broadband service to all areas of the State. Amends the Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois to make conforming changes.

[**HB 2470**](https://www.ilga.gov/legislation/billstatus.asp?DocNum=2470&GAID=17&GA=103&DocTypeID=HB&LegID=147554&SessionID=112) **Low-Income Broadband Program (Rep. Aaron Ortiz) – Oppose (Dead)**

Creates the Low-Income Broadband Assistance Program Act. Requires the Department of Commerce and Economic Opportunity to establish a Low-Income Broadband Assistance Program to ensure the availability and affordability of broadband service to low-income families. Provides that the Department shall coordinate with local administrative agencies identified by the Department to determine eligibility for the program, provided that eligible income shall be no more than 150% of the federal poverty level. Provides that families whose annual household income is at or below 135% of the federal poverty level shall be eligible for free broadband service. Provides that a credit of at least $9.95 a month for broadband services shall be payable monthly to: (i) families whose annual household income is greater than 135% but less than 150% of the federal poverty level; and (ii) families that include at least one adult person or dependent child who qualifies for or participates in the Supplemental Nutrition Assistance Program, the Supplemental Security Income program, Veterans Pension and Survivors Benefits Programs, or other specified assistance programs. Provides that the $9.95 broadband service credit may be adjusted according to family size. Provides that families who participate in the federal Lifeline program or any other State Internet service subsidy program shall not be eligible to participate in the Low-Income Broadband Assistance Program. Grants rulemaking powers to the Department of Commerce and Economic Opportunity.

[**HB 3689**](https://www.ilga.gov/legislation/billstatus.asp?DocNum=3385&GAID=17&GA=103&DocTypeID=HB&LegID=148551&SessionID=112) **Broadband Adoption Fund-Misc (Mussman) – Oppose (Dead)**

This is a CUB initiative from the previous General Assembly. The bill reregulates the provision of wireline service by requiring carriers to offer three landline telephone safe harbor consumer choice offerings mandated back in 2001. Second, the bill turns the Universal Telephone Service subsidy and turns it into a broadband adoption program at the ICC.

**Wireless**

[**HB 1503**](https://www.ilga.gov/legislation/BillStatus.asp?DocNum=1503&GAID=17&DocTypeID=HB&LegID=143772&SessionID=112&GA=103) **Small Wireless Facilities – Application Fee (Ford) – Oppose (Dead)**

Provides that an authority may charge an application fee in an amount up to the authority's full and reasonable approximation of costs to review and process an application to collocate one or more wireless facilities on existing utility poles or wireless support structures. Currently, an authority may charge $650 for an application to collocate a single small wireless facility on an existing utility pole or wireless support structure and up to $350 for each small wireless facility addressed in an application to collocate more than one small wireless facility on existing utility poles or wireless support structures.

[**HB 1506**](https://www.ilga.gov/legislation/BillStatus.asp?DocNum=1506&GAID=17&DocTypeID=HB&LegID=143776&SessionID=112&GA=103) **Small Wireless Facilities (Ford) – Oppose (Dead)**
Provides that an authority may charge an application fee of up to $750 (rather than $650) for an application to collocate a single small wireless facility on an existing utility pole or wireless support structure and up to $400 (rather than $350) for each small wireless facility addressed in an application to collocate more than one small wireless facility on existing utility poles or wireless support structures.

**Underground Facilities/Right-of-Way**

[**HB 2263**](https://www.ilga.gov/legislation/billstatus.asp?DocNum=2263&GAID=17&GA=103&DocTypeID=HB&LegID=146823&SessionID=112) **Underground Utilities-Various (Walsh, Jr.) (Dead)**

[House Bill 2263](http://ita.memberclicks.net/message2/link/e4adcdee-31c5-423b-a4b1-a32523e40ab1/11) is a comprehensive update to the Underground Utility Facilities Damage Prevention Act. Some of the changes included in the update to the act are:

* Advance Notice - refined to 2 days, not including the day of the call, but not more than 10 days, not including the day of the call.
* Positive Response - the use of a positive response system, offered through JULIE, would be required of excavators and utility owner by no later than January 1, 2025.
* Extended Ticket Life - the validity of a locate request, known as "ticket life," would be extended to 25 days (33 calendar days) from the current 20 days (28 calendar days).
* High Demand Areas - up to 2 additional days advance notice would be granted to utilities to complete a locate request when call volume in a particular geography exceeds the reasonable control measurement.
* Pre-Marking - All locate requests would require pre-marking, by physically marking the proposed excavation or route or with verbal pre-marking accepted when the description provided is explicit enough to limit markings to the actual excavation area.

[Additional information regarding the proposed changes to the Underground Utility Facilities Damage Prevention Act](http://ita.memberclicks.net/message2/link/e4adcdee-31c5-423b-a4b1-a32523e40ab1/12) can be found on the [JULIE website](http://ita.memberclicks.net/message2/link/e4adcdee-31c5-423b-a4b1-a32523e40ab1/13).

[**SB 1438**](https://www.ilga.gov/legislation/billstatus.asp?DocNum=1438&GAID=17&GA=103&DocTypeID=SB&LegID=146125&SessionID=112) **Illinois Dig Once Act (Ventura/Hoffman) -- IBTA moved to Neutral as amended by** [**Senate Amendment 1**](https://www.ilga.gov/legislation/103/SB/PDF/10300SB1438sam001.pdf)

Senate Bill 1438 creates the Illinois Dig Once Act. We were involved in negotiations on [SB 1438](https://www.ilga.gov/legislation/billstatus.asp?DocNum=1438&GAID=17&GA=103&DocTypeID=SB&LegID=146125&SessionID=112), Dig Once, last week. The IBTA negotiated several changes to the legislation and is Neutral based on the changes:

IBTA proposed changes to [SB 1438, SA1](https://www.ilga.gov/legislation/103/SB/PDF/10300SB1438sam001.pdf) including eliminating inaccurate statements in the legislative findings, added language ensuring the legislation and rules do not impair an entity's ability to maintain or upgrade networks or respond to emergency situations, and added language ensuring the rules promulgated pursuant to this Act, are not intended to delay the design or construction of road, highway, tollway, or expressway projects, and shall not be construed to provide authority to approve, deny, or delay broadband or underground utility projects in any manner.

**9-1-1 and 9-8-8**

[**SB 326**](https://www.ilga.gov/legislation/billstatus.asp?DocNum=326&GAID=17&GA=103&DocTypeID=SB&LegID=144036&SessionID=112) **Emergency Telephone Systems** **(Cunningham) (Dead – HB 3940 will be used to update the Act)**

Senate Bill 326 (HB 3940) is the vehicle for legislative updates for the Emergency Telephone System Act which governs 9-1-1 systems and services in Illinois. The Act sunsets December 31, 2023. This legislation will be amended during the legislative session with more comprehensive changes currently being discussed by the 9-1-1 Services Advisory Board. There are currently 3 IBTA members that are non-voting members of the 9-1-1 Advisory Board, including me.

[**HB 3940**](https://www.ilga.gov/legislation/BillStatus.asp?DocNum=3940&GAID=17&DocTypeID=HB&LegId=149210&SessionID=112&GA=103) **Emergency Telephone Systems (Guerrero-Cuellar)**

House Bill 3940 (SB 326) is the vehicle for legislative updates for the Emergency Telephone System Act which governs 9-1-1 systems and services in Illinois. The Act sunsets December 31, 2023. This legislation will be amended during the legislative session with more comprehensive changes currently being discussed by the 9-1-1 Services Advisory Board. There are currently 3 IBTA members that are non-voting members of the 9-1-1 Advisory Board, including me.

[**SB 1403**](https://www.ilga.gov/legislation/BillStatus.asp?DocNum=1403&GAID=17&DocTypeID=SB&LegId=145737&SessionID=112&GA=103) **9-8-8 Task Force (Fine) (Dead – HB 1364 is the legislation moving for the 9-8-8 Task Force)**

Creates the 9-8-8 Suicide and Crisis Lifeline Task Force Act. Provides that the 9-8-8 Suicide and Crisis Lifeline Task Force shall be composed of 12 appointed members and the State's Chief Behavioral Health Officer, or the Officer's representative. Provides that the 2 Task Force co-chairs shall appoint experts to contribute and participate in the Task Force as nonvoting members. Requires the development of an action plan with specified recommendations to be filed with the Governor and General Assembly by December 31, 2023.

[**HB 1364**](https://www.ilga.gov/legislation/billstatus.asp?DocNum=1364&GAID=17&GA=103&DocTypeID=HB&LegID=143520&SessionID=112) **9-8-8 Task Force (Guzzardi)**

Creates the 9-8-8 Suicide and Crisis Lifeline Workgroup Act. Provides that the Department of Human Services, Division of Mental Health, shall convene a working group that includes members of the General Assembly, representatives of State agencies, the State's Chief Behavioral Health Officer, the Director of the Children's Behavioral Health Transformation Initiative, service providers from the regional and statewide 9-8-8 call centers, representatives of organizations that represent people with mental health conditions or substance use disorders and that operate an Illinois social services helpline or crisis line other than 9-8-8, including veterans' crisis services, more than one individual with personal or family lived experience of a mental health condition or substance use disorder, experts in research and operational evaluation, and any other person or persons as determined by the Department of Human Services, Division of Mental Health. Requires the Department of Human Services, Division of Mental Health, to submit a report to the General Assembly regarding the Workgroup's findings related to the 9-8-8 call system. Modifies the Workgroup's responsibilities, including removing requirements to review the recommendations and decisions of previous State-led workgroups on transforming the mental health crisis response system and that the action plan must include a plan to sustainably fund a statewide 9-8-8 call center network in fiscal year 2025 and beyond.

**Privacy & Cybersecurity**

[**HB 3811**](https://www.ilga.gov/legislation/BillStatus.asp?DocNum=3811&GAID=17&DocTypeID=HB&LegID=149069&SessionID=112&GA=103) **Biometric Information Privacy Act (Burke/Cunningham)**

**Senate Amendment 2 & 3:** Amends the Biometric Information Privacy Act

Provides that "written release" also means an electronic signature. Defines "electronic signature" and "in writing". Provides that the prevailing party in an action brought under the Act may recover against a private entity that negligently violates the Act liquidated damages of $1,500 (rather than $1,000) or actual damages, whichever is greater. Provides that a private entity that, in more than one instance, (i) collects, captures, purchases, receives through trade, or otherwise obtains or (ii) discloses, rediscloses, or otherwise disseminates the same biometric identifier or biometric information from the same person in violation of specified provisions of the Act has committed a single violation of the respective provision.