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**Illinois Fertilizer & Chemical Association**

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## **IFCA END OF SESSION REPORT: June 1, 2018**

### **ILLINOIS STATE BUDGET**

Lawmakers approved a budget (HB109) plan on Wednesday and Thursday, putting the state on track to have a full budget in place ahead of the new financial year (July 1,) for the first time since Republican Gov. Bruce Rauner took office in 2015.

The House agreed to the \$38.5 billion proposal by a 97-18 vote, following a landslide 54-2 tally in the Senate on Wednesday night. Rauner said in a statement he plans to approve it.

The 2019 budget spend more on education and includes cuts to the department of corrections and operating areas, as well as some pension savings through buyouts and other changes. The state's unfunded pension liability has climbed to \$137 billion as of last June.

The budget also includes a 2 percent hike over last year's higher education spending. It also creates a new kind of scholarship that seeks to reverse Illinois' standing as the top state from which high school graduates leave to go to college.

Also include was a spending plan of \$11.05 billion over the next six years on infrastructure repairs and improvements. IDOT anticipates that the FY 2019-2024 "Proposed Highway Improvement Program" will provide funding to reconstruct or rehabilitate 1,945 miles of state-maintained roads and replace or rehabilitate 525 state-owned bridges. Funding for these projects will consist of \$9 billion in federal aid, \$1.34 billion in state funds, and \$650 million in local funds.

Looking at most of the programs within the Illinois Department of Agriculture, you will find that the FY2019 budget was level funding from FY2018 in most of those programs.

## **IFCA PRIORITY BILLS**

**NEONICOTINOID BAN ON PUBLIC LANDS.** Rep Fred Crespo introduced HB4994 which makes it unlawful to apply neonicotinoid insecticides on public lands owned or maintained by the state(including university ground). It would also ban applications of neonicotinoid insecticides in other outdoor residential settings, including landscaping, ornamental, or other outdoor applications in the state. The bill also requires the Illinois Dept of Agriculture, within one year after the effective date of the Act, to issue a draft report evaluating whether clear, peer-reviewed, published scientific evidence exists that outdoor applications of these insecticides are safe for monarch butterflies, other pollinators, other beneficial insects, the broader environment, and human health. **IFCA is opposed to HB4994.** IFCA and many of the Ag groups talked to Rep. Crespo regarding this issue. Rep. Crespo decided not to run the bill. He did info us that he would like to have a more formal discussion regarding pollinator health(bees and butterflies). IFCA will keep having open discussion with Rep. Crespo through the summer. IFCA full suspects this issue to come back up next spring session.

**LAWSUITS AGAINST ADMINISTRATIVE DECISIONS.** Senator Raoul and Rep. Anderson introduced SB3005 and HB 5119. These bills would allow any person to file a lawsuit against an agency and the person involved in a permitting decision or approval, including the approval of a ag retail plant(ammonia tank and agrichemical facility). This undermines existing case law that a person must be a party of record to the administrative decision to challenge that decision in court. This will result in state agencies facing costly lawsuits from any person that does not agree with the approval. **IFCA is opposed to SB3005 and HB5119. SB3005 did get a hearing in the Senate Judiciary Committee but never made it to the floor. HB5119 was assigned to House Judiciary committee but never received a hearing.** Don't be surprised if this legislation doesn't come back up next spring session.

**INCREASED ABOVE GROUND FUEL STORAGE.** Rep. Parkhurst and Sen. Koehler introduced HB4569 that states that a facility used for agricultural purposes at an agricultural site refueling construction equipment at a construction site parking, operating, or maintaining a commercial vehicle fleet or fueling at railway yards, may store an aggregate total of 12,000 gallons of fuel for dispensing in aboveground storage tanks, as long as the facility complies with all other requirements of the rules of the Office of the State Fire Marshal. Current regulations allow for four 2,500 gallons above ground tanks at these facilities. However, storage

may not exceed 5,000 gallons of any single type of fuel. **IFCA supports HB4569 bill.** **IFCA worked with the trucking industry to pass this legislation.** **The Senate vote was 58-0.** **The House has passed HB4569 on a 108-0 vote.** **HB4569 now moves the Gov Rauner's desk.**

**CENTENNIAL AGRIBUSINESSES.** Sen. Rose introduced SB3082. This bill amends the definition of "agribusiness" and allows them to qualify as a centennial or sesquicentennial agribusiness to include an organization that promotes the economic well-being and expansion of this state's agriculture industry. **IFCA supports SB3082.** **The Senate has passed SB3082 on a 58-0 vote.** **It also passed the House on a 102-0 vote.** **It now moves to Gov Rauner's desk.**

**ENDANGERED SPECIES ACT IMPROVEMENTS.** Rep. Costello introduced HB5293 provide assurances that, if a federal conservation agreement with the US Fish and Wildlife service is in effect, an additional incidental taking permit for a threatened or endangered species will not be required from the state. It also provides landowners representation on the Endangered Species Protection Board and requires additional transparency when the Board automatically lists a species as threatened or endangered in Illinois because it has been listed by the federal government. **IFCA was monitoring HB5293.** **HB5293 passed out of House Ag Committee on a 11-1-2 vote.** **HB5293 was note voted on in the House.**

**PUBLIC INTEREST ACTIONS.** Sen. Biss introduced SB2213. The bill allows, among numerous other changes, a person to bring an action in circuit court in the public interest to enforce standards or requirements concerning air, water, drinking water, and endangered and threatened species. This public interest enforcement only becomes operative if federal regulations concerning air, water, drinking water, and endangered and threatened species are made less stringent than regulations in place on Jan. 1, 2017 or if the federal statues are amended to weaken or eliminate citizen suit provisions. SB 2213 requires various state agencies to adopt, maintain, and enforce rules concerning air, water, drinking water, and endangered and threatened species that are at least as stringent as regulatory baselines under federal law, in addition to state law requirements. **IFCA is opposed to SB2213.** **The Senate voted 32-21-1 on SB2213.** **The sponsor of the bill pulled the bill from the record.** **SB2213 was assigned to the House Environment Committee but was never called for a vote.** IFCA and other business interests worked to stop SB2213.

**TRUCK SAFETY TEST.** Rep. Sauer introduced HB4944 which would provide that vehicles weighing 10,000 to 26,000 pounds be only subject to a safety test at an official testing station at least every 12 months, rather than semi-annually. **IFCA supports HB4944.** **HB4944 has passed out of the House on a 85-14 vote. It passed the Senate on a 55-0 vote. It now moves to Gov. Rauner's desk.**

**AG Commodity Overweight Permits**

If you remember last fall Gov. Rauner signed a "Harvest Season Emergency" in order for farmers and grain elevators to receive a permit to haul 10% above their gross vehicle weight (for grain movement). This spring session Sen. Fowler and Rep. Phelps-Finnie proposed HB5749. HB5749 would amend the current law by eliminating the need for a "Harvest Season Emergency" to be declared in order to authorize permits for hauling agricultural commodities at 10% above the gross vehicle weight, registered weight, and axle weight. This permit would run from September 1, to December 31. **HB5749 passed out of the Senate on a 55-0 vote and passed out of the House on a 103-0 vote. It now moves to Gov. Rauner's desk.**

**HIGHWAY DISIGNATIONS.** Rep Unes introduced HB 5167, which Amends the Illinois Vehicle Code. HB5167 deletes language allowing the Department of Transportation to designate streets or highways in the system of State highways as Class III highways. Provides that non-designated highways include highways that have lane widths of less than 11 feet, State highways not designated as Class I or II, and local highways which are part of any county, township, municipal, or district road system not designated as Class II. Deletes language regarding: the maximum length of vehicles on all non-State highways; and the highways that vehicles not exceeding 65 feet in overall length are allowed to access. Provides that combinations of vehicles over 65 feet in length with no overall length limitation are allowed certain access if there is no sign prohibiting access and the route is not being used as a thoroughfare between Class I or Class II highways. Provides that the maximum length limitation on non-designated highways for a truck tractor in combination with a semitrailer is 65 feet overall dimension and 60 feet overall dimension for a truck tractor-semitrailer-trailer or truck tractor semitrailer-semitrailer. Provides that length limitations do not apply on legal holidays and for a tow truck in combination with a disabled vehicle or combination of disabled vehicles. Provides that a unit of local government shall affirm to the Department if it has no Class II designated truck routes. Provides that units of local government shall report to the Department, and the Department shall post on its website, any limitations prohibiting the operation of vehicles imposed by ordinance or resolution in the unit of local

government's non-designated highway system. Provides that, to be effective, an ordinance or resolution passed to designate a Class II roadway need not be signed, but shall be reported to the Department. Repeals a provision that requires local units of government to report to the Department all preferred truck routes, designated truck route networks, or whether there are no such truck routes. **IFCA supports HB5167. HB5167 has passed out of House on a 100-0 vote. HB was assigned to Senate Transportation committee but never received a hearing.**

**STATE POLICE / TRUCK INSPECTION.** Sen. McConnaughay introduced SB2558 which provides that the State Police may also authorize any civilian employee of the Department of State Police who is not a State policeman to be a truck weighing inspector with the power of enforcing a provision of the Illinois Vehicle Code which allows upon application and good cause for the issuing of a special permit authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum permitted or otherwise not in conformity with the Illinois Vehicle Code upon any highway under the jurisdiction of the party granting the permit. **IFCA is monitoring SB2558. SB2558 passed out of the Senate on a 52-0 vote. It never received a hearing in the House.**

**INDUSTRIAL HEMP.** Sen. Hutchinson introduced SB2298 which creates the Industrial Hemp Act. It would allow any person to grow, process, cultivate, harvest, process, possess, sell, or purchase industrial hemp or industrial hemp related products after receiving a license from the Department of Agriculture. **IFCA is monitoring SB2298. The House passed out SB2298 on a 106-3 vote. The Senate approved SB2298 on a 56-0 vote. It was now move to Gov. Rauner's desk.**

**ALGICIDE PERMITS** Sen. Rose introduced SB3135 which provides that no person shall be required to obtain a permit from the EPA to apply a commercially available algicide to water in accordance with the instructions of its manufacturer label. **The Senate passed SB3135 on a 54-0 vote. The House passed the bill on a 114-1 vote. It now moves to Gov. Rauner's desk.** IFCA was monitoring SB3135

If you have any questions regarding national or state legislation,  
please don't hesitate to email or call:

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