



Illinois Fertilizer & Chemical Association

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IFCA STATE LEGISLATIVE REPORT: April 6, 2018

The Illinois General Assembly has been out of session for the last three weeks for the Illinois primary election and Easter break. Both chambers will come back to Springfield for session beginning next Monday (April 9). When the general assembly comes back from break they will have a very busy schedule until the end of May. Below is a list of bills IFCA have been watching this spring session.

NEONICOTINOID BAN ON PUBLIC LANDS. Rep Fred Crespo introduced HB 4994 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. HB 4994 is sitting in the House Rules Committee. **IFCA is opposed to HB4994.** IFCA has talked to Rep. Crespo regarding HB4994. Rep Crespo has informed IFCA 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.

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. The bill has passed the Senate Judiciary Committee. It

still waiting on an amendment. **IFCA is opposed to SB3005 and HB5119.**

UPDATING SOIL AMENDMENT ACT. Sen. Anderson introduced SB3092 which is a shell bill to the soil amendment act. A shell bill is a "holder" bill for any upcoming legislative language to an act. **IFCA is working with IDOA on future changes to the Soil Amendment Act is monitoring SB3092 bill.**

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. HB 5293 has been assigned to the House Agriculture and Conservation Committee. **IFCA is monitoring HB5293.**

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. HB 4569 passed the House with 106 yes and 0 no votes and is now in the Senate Assignments Committee. **IFCA supports HB4569 bill.** IFCA has been working the trucking industry to pass the is legislation.

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.** SB2213 is currently in the Senate Labor Committee.

EPA INVESTIGATIONS - REFERRAL TO ATTORNEY GENERAL AND STATE'S ATTORNEY.

Sen Aquino introduced SB 3156 and Rep Mitchell introduced HB 5299. These bills require that all cases in which an alleged violation of the Environmental Protection Act may have a continuing effect on the environment, Illinois EPA (IEPA) shall promptly notify the Attorney General and the State's Attorney for the county in which the alleged violation is occurring. This represents a significant change to the current practice where IEPA investigates violations of the Environmental Protection Act and seeks a possible compliance agreement before referring violations to the Attorney General or State's Attorney. SB3156 is waiting a vote on the Senate Floor. HB5299 is in the House Rules Committee. **IFCA opposes both SB3156 and HB5299.**

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. HB 4944 has been assigned to the House Transportation: Vehicles & Safety Committee. **IFCA supports HB 4944.**

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. SB3082 passed the Senate Agriculture Committee and is now waiting for a vote on the Senate floor. **IFCA supports SB3082.**

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. HB5167 has passed out of the House Transportation Committee. It now moves to the House floor. **IFCA supports HB5167.**

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 this SB2558.**

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.** SB2298 has been assigned to the Senate Agriculture Committee.

If you have any question regarding national or state legislation, please don't hesitate to email or call KJ Johnson at KJ@IFCA.COM or 217-369-1669