



## DuPage County

421 N. County Farm Road, Wheaton, IL 60187

(P) 630-407-6060 (F) 630-407-6001

Fall 2013

# LEGISLATIVE UPDATE

## DU PAGE COUNTY LEGISLATIVE AND GOVERNMENTAL AFFAIRS COMMITTEE

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Daniel J. Cronin

### Legislative Committee

J.R. McBride – Chairman

John Curran – Vice Chair

Donald Puchalski

Elizabeth Chaplin

Tonia Khouri

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## End of Session Report 2013 Spring Legislative Session Legislation Impacting County Governments

### Bills Adopted by Both Chambers:

**HB 1 – Medical use of Marijuana:** Establishes the Compassionate Use of Medical Cannabis Pilot Program Act to provide for a four year pilot program to allow persons with one of thirty-three debilitating medical conditions to possess no more than 2.5 ounces of cannabis (marijuana) obtained from one of 60 state regulated dispensaries. **Public Act 98-0122**

**HB 131 – Police Training/Taser Use:** Requires law enforcement officers to be trained in the use of electronic control devices, including the psychological and physiological effects of the use of the devices on humans. Also requires the Illinois Law Enforcement Training Standards Board to randomly inspect local and university police departments to determine compliance.

**Public Act 98-0358**

**HB 140 – Transit Boards/Elimination of Benefits:** Provides that members appointed to serve on the Boards of the RTA, Pace, Metra and the CTA on or after the effective date of this Act (July 23, 2013) are no longer eligible to receive pension or insurance benefits. Board members reappointed who have previously accrued benefits may keep those benefits but will not accumulate any future terms of service.

**Public Act 98-0108**

**HB 183 – Conceal & Carry:** The bill establishes statewide licensing standards for concealed carry licenses and preempts the authority of local governments to regulate handguns (and ammunition for handguns). Grants the licensee broad rights to carry a handgun in a vehicle including within a vehicle in the parking lot of a prohibited area. Licenses are to be issued by the State Police for a period of 5 years with 16 hours of training required. Carrying a concealed handgun is prohibited on public transportation, in government buildings, schools, playgrounds, municipal parks, airports, prisons and in establishments (bars) that derive more than 50% of gross receipts from alcohol sales. Although the Governor issued an amendatory veto of the legislation, the General Assembly convened a special session on July 9, 2013 and both chambers voted to override the Governor's veto making the bill effective immediately. **Public Act 98-0063**



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**HB 226 – Voting Age:** Allows a 17 year old who will be 18 years old by the general election to vote in the preceding primary election. **Public Act 98-0051**

**HB 946 – School Age Heroin Task Force:** Amends the School Code to establish the Young Adults Heroin Use Task Force to address the growing problem of heroin use in high schools across Illinois. Requires the Task Force to conduct a study and to issue recommendations by June 30, 2014. **Public Act 98-0374**

**HB 948 – Combine Adult Protective Services:** Transfers the responsibility for investigations of allegations of abuse and neglect of adults with developmental disabilities from the Department of Human Services to the Department on Aging in order to combine all adult investigations under the existing Elder Abuse Network of Elder Abuse agencies including the county's Department of Community Services. The legislation mandates the establishment of a 24-hour Adult Protective Services helpline, a caregiver registry, a statewide fatality review team among other items that will cost an estimated \$17 million statewide. **Public Act 98-0049**

**HB 956 – Charitable Solicitations:** Amends the Counties Code to permit solicitation by a charitable organization for charitable purposes on a public roadway if certain requirements are met. Permits the county to deny an application for a specific location due to safety concerns however requires approval of an alternate site. **Public Act 98-0134**

**HB 983 – Alternate Revenue Bonds:** As adopted, the legislation alters the petition requirements (reducing the number of signatures required) for a backdoor referendum objecting to the issuance of alternate bonds for governmental units with fewer than 500,000 inhabitants. Prohibits for all governmental units the involvement of the fiscal agent that determines the sufficiency of the required revenue source from any participation in the project. **Public Act 98-0203**

**HB 1020 – Counties Demolition of Hazardous Structures:** A Lake County initiative, the legislation repeals the requirement that a county may expedite the removal of certain buildings that are a hazard to the community only if a residential building is 2 stories or less in height. Allows counties to expedite the removal of hazardous and abandoned structures. **Public Act 98-0138**

**HB 1045 – Local Government Consolidation Report:** Extends the deadline for the report to be issued by the Local Government Consolidation Commission until September 30, 2013. **Public Act 98-0124**

**HB 1046 – Medicaid Enrollment/Prisoners:** In a provision concerning eligibility for medical assistance for persons who are incarcerated in a public institution, provides that any such person who is not already enrolled for medical assistance may apply for medical assistance prior to the date of scheduled release or discharge from a penal institution or county jail (rather than may apply for medical assistance no more than 30 days prior to the date of scheduled release or discharge from a penal institution or county jail or similar status). **Public Act – 98-0139**



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**HB 1203 – Legal Notices:** Permits counties to use a common street address and property index number when publishing legal notices rather than a full description of the property (to save on publication costs).  
**Public Act 98-0205**

**HB 1247 – Ban of Handheld Cell Phones:** Eliminates the use of handheld cellular devices while driving effective January 1, 2014. Using a hands-free device or a speakerphone setting would still be permitted under the ban. **Public Act 98-0506**

**HB 1351 – IMRF Return to Work Rules:** An initiative of IMRF, the bill provides that if an IMRF retiree (annuitant) returns to work for an IMRF employer and works more than the employer's hourly standard at any time during a twelve month period, the retiree must either enroll in IMRF as an active employee (halting previous pension payments) or stop employment in order to keep receiving pension benefits.  
**Public Act 98-0389**

**HB 1404 – Surety Bonds:** Increases the threshold in which public construction projects must require surety bonds from \$5,000 to \$50,000. **Public Act 98-0216**

**HB 1405 – GIS & Property filing fees:** A Cook County initiative, the legislation allows counties that maintain a countywide map through a Geographic Information Systems (GIS) to also charge specified filing fees in order to defray the cost of providing automated access (in addition to electronic access) and to the county's property records (in addition to GIS records).  
**Public Act 98-0217**

**HB 1444 – IMRF Amortization:** An initiative of IMRF, the bill makes several technical changes and provides that the IMRF Board shall determine the amortization period to be used in calculating the amount to be contributed by participating municipalities and instrumentalities in order to adjust for changes in the fund's unfunded accrued liabilities. Specifies that the amortization period shall not exceed 30 years for participating municipalities or 10 years for participating instrumentalities. Allows participating employees to withdraw additional contributions only to the extent permitted by the federal Internal Revenue Code and requires the IMRF Board to meet at least quarterly instead of monthly. **Public Act 98-0218**

**HB 1522 – County Stormwater Utility:** An initiative of DuPage and Peoria Counties, the bill authorizes both counties to consider the adoption of a stormwater utility in place of the property tax to fund flood control projects, construction of facilities, and mandated water quality programs. Enactment of a utility would require a two year education process and County Board approval. **Public Act 98-0335**

**HB 1544 –Economic Development Plan:** Requires the Illinois Department of Commerce and Economic Opportunity (DCEO) to develop a strategic economic development plan every five years. Establishes the Illinois Business Development Council to serve as an advisory board to the department to assist with the creation and revision of the plan (adopted as an alternative to SB 2). **Public Act 98-0397**



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**HB 1588 – Recorder Housing Fee:** The legislation represents an agreement between County Recorders and Housing Advocates to preserve the Rental Housing Fee that is assessed on documents filed with Recorder Office's that is currently being challenged in court. Proceeds fund the State's Rental Housing Support Program provides monthly rent subsidies for units that house low-income individuals and families. **Public Act 98-0005**

**HB 1745 – Electric Aggregation:** Amends the Illinois Power Agency Act to clarify that any county board that seeks to submit a referendum to its residents to determine whether or not an aggregation program shall operate as an opt-out program for residential and small commercial retail customers shall do so only in unincorporated areas of the county where no electric aggregation ordinance has been adopted. **Public Act 98-0404**

**HB 2327 – Increase of Document Storage & Automation Fee levels:** Raises the amount of a Document Storage Fee that may be assessed by the Clerk of the Circuit Court (per County Board ordinance) from \$15 to \$25 and the Document Automation Fee from \$15 to \$25. **Sent to the Governor 11/8/13**

**HB 2404 – Juvenile Court Age Felonies:** Assigns those charged with a felony who are age 17 to Juvenile Court, thus requiring juvenile detention facilities versus county jails to house these offenders. Currently only 17 year olds charged with a misdemeanor are processed through Juvenile Court who reside on average for a two week period versus a six month average stay for juveniles charged with a felony offense. Last year, DuPage County closed its Youth Home and entered into an Intergovernmental Agreement with Kane County to utilize its Regional Juvenile Detention Facility (at a per diem rate of \$110 per day) to house young offenders. Enactment of HB 2404 represents an unfunded mandate on DuPage County government costing an estimated \$415,000 annually. **Public Act 98-0061**

**HB 2418 – Omnibus Election Bill:** Makes numerous and significant changes to the Election Code including: establishment of a process for online voter registration, grace period voting by mail and on-line absentee ballot applications; creates the Lake County Election Commission to be appointed by the county's Chief Judge, transferring all election duties from the Lake County Clerk (**this provision has since been ruled unconstitutional by the courts**); requires early voting sites be located at state universities; raises from \$3,000 to \$5,000 the amount that can be raised by a PAC without filing with the State Board of Elections; permits two trustees of the DuPage County Regional School Board to reside from the same township; permits the issuance of statewide poll watcher credentials; and eliminates school electoral boards and transfers all duties to the local election commission to hear and rule upon all objections filed to candidates for school board (local impact - transfers the cost of school board hearings from school districts to the DuPage Election Commission). **Public Act 98-0115**

**HB 2482 – Local Government Salary Increases:** Requires a county's annual budget to contain a detailed statement showing any bonuses or increase in any salary, wage, stipend or other form of compensation that is not part of a collective bargaining agreement. Applies to every agency, department, or any other entity receiving an appropriation from the county. Employees of a collective bargaining unit are included only if individuals receive a pay hike that is above and beyond their collective bargaining agreement. **Public Act 98-0419**



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**HB 2488 – Local Government Public Notice:** Amends the Local Government Professional Services Selection Act to provide that whenever a project requiring architectural, engineering, or land surveying services is proposed for a political subdivision, the political subdivision shall place an advertisement for those professional services on its website requesting a statement of interest, including a description of each project and the time and place for interested firms to submit its letter of interest, statement of qualifications, and performance data, as required. Effective immediately. **Public Act 98-0420**

**HB 2489 – County Road Funds:** Amends the Illinois Highway Code to extend the time counties have to obligate funds allocated under the Code from two years to four years. Represents a technical change to provide consistency in state statute. **Public Act 98-0244**

**HB 2690 – Special Advocate Fee:** Authorizes county boards to impose an additional fee of \$10 to \$30 to support Court Appointed Special Advocate (CASA) services. The fee would be on convictions and grants of supervision for felonies, misdemeanors, petty offenses and business offenses. **Public Act 98-0331**

**HB 2832 – Property Fraud:** Authorizes County Recorder's to establish a fraud referral and review process to combat property fraud, including fraudulent filings intended to cloud or fraudulently transfer title to property by recording false or altered documents and deeds. **Public Act 98-0099**

**HB 2869 – Capital Infrastructure Reauthorization:** Reauthorizes \$2.7 billion in bonds as part of the \$16 billion *Illinois Jobs Now* capital program adopted by the General Assembly in 2009. Of this amount, \$2.23 billion is designated in General Revenue bonds for roads, universities, and school construction and \$543 million for Build Illinois bonds for member initiatives and other projects. **Public Act 98-0094**

**HB 3207 – Emergency Telephone System Boards:** Amends the Emergency Telephone System Act to require staggered terms for boards located in counties under 100,000 in population and permits the corporate authorities of a county or municipality by a majority vote to remove an ETSB member for misconduct, official misconduct or neglect of office. **Public Act 98-0481**

**HB 3223 – Prevailing Wage Records:** Requires additional record keeping by contractors and subcontractors who participate in public works projects. New information to be provided on a contractor's certified payroll include gross and net wages, hourly wage rate, hourly overtime rate, start and stop times, hourly fringe benefit rates, among other items. Effective January 1, 2014. **Public Act 98-0482**

**SB 9 – Smart Grid:** Revises language contained in the Smart Grid law enacted in 2011 to permit utilities to adjust consumer rates in order to digitize and repair the state's aging electrical grid. The bill provides a schedule for utilities to begin installing residential smart meters and makes other changes regarding the filing of reports by public utilities. Although vetoed by the Governor, the General Assembly overrode the Governor's veto in May. **Public Act 98-0015**



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**SB 10 – Same-Sex Marriage:** Creates the Religious Freedom and Marriage Act to legalize same-sex marriage in Illinois as of June 1, 2014. **Public Act 98-0597**

**SB 26 – Medicaid Expansion:** The legislation expands Medicaid coverage for up to an estimated 350,000 Illinois residents as provided for under the federal Affordable Care Act to include adults with incomes up to 138% of the federal poverty level (from the current level of 133%). The state would receive a 100% federal match for the cost during the first three years of the expansion decreasing to 90% in 2017, costing the state an additional \$573 million. **Public Act 98-0104**

**SB 494 – Local Government Consolidation:** A DuPage County Initiative, the bill authorizes DuPage County to consolidate inefficient county appointed (non-elected) governmental agencies that deliver local services such as sanitary and mosquito abatement. Permits DuPage to act as a “laboratory” to show measurable progress at the local level that can be replicated statewide. Requires the county to demonstrate cost savings and to ensure that all funds from a dissolved unit are utilized only to pay costs of performing duties on behalf of the residents of the dissolved entity. **Public Act 98-0126**

**SB 622 – LGDF Diversion:** Amends the State Finance Act to divert \$6.6 million from the Local Government Tax Fund to the Illinois State Medical Disciplinary Fund and directs repayment of the fund over 4 years. **Public Act 98-0003**

**SB 1042 – Landowner Liability:** Landowners, who permit access by the general public to their property for any activity undertaken for conservation, resource management, educational or outdoor recreational use, are protected from lawsuits beginning in 2014. Property owners would still be held liable should they fail to inform the public of dangerous conditions that may exist on the property. Several county agencies currently permit volunteers to utilize county property for conservation and educational purposes. **Public Act 98-0522**

**SB 1214 – Unpaid Tolls:** Beginning in 2014, the Illinois State Toll Highway Authority is authorized to post the names of people or entities that owe \$1,000 or more in a searchable online data base. **Public Act 98-0559**

**SB 1245 – Report of PSEBA Benefits:** Requires employers providing PSEBA benefits to any former peace officer, firefighter or correctional officer to distribute an informational form to those currently in receipt of benefits and to also compile data including the number of applications filed and costs of benefits paid and to submit this data to the Commission on Government Forecasting and Accountability (COGFA) among many other items.  
**Public Act 98-0561**



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**SB 1329 – CPPRT Diversion:** The Budget Implementation bill (BIMP) includes language to protect the current share of state income tax proceeds that counties and municipalities receive (LGDF) as well as any growth that may be realized in income tax revenues during the FY 2014 state fiscal year. The bill **does** divert a small portion of Corporate Personal Property Replacement Tax (CPPRT) revenues received by units of local government beginning in FY 2014, totaling \$18 million statewide, in order to pay the stipends for election judges, the county clerk and the educational labor relations board. For DuPage County, the estimated loss of revenue annually is \$50,000. The bill also transfers millions of dollars from special state dedicated funds to the General Revenue Fund. **Public Act 98-0024**

**SB 1430 – County Borrowing:** Authorizes counties to borrow money for any corporate purpose from any bank or other financial institution (instead of using a tax anticipation warrant) provided monies are repaid within 2 years. Sets forth other conditions. **Public Act 98-0525**

**SB 1664 – Extension of 9-1-1 Wireless Surcharge & Telecomm Rewrite:** Extends the sunset of the wireless surcharge that supports the operation of ETSB/9-1-1 emergency response systems for one year (until July 1, 2014) and establishes a 9-1-1 Services Advisory Board to work with the Illinois Commerce Commission to determine the costs to adequately support the operations of 9-1-1 systems statewide and to issue recommendations. The legislation also extends the repeal of the Telecommunications Article and the Cable and Video Competition Article of the Public Utilities Act (rewrite) until July 1, 2015. **Public Act 98-0045**

**SB 1715 – Hydraulic Fracturing:** Establishes the Hydraulic Fracturing Regulatory Act to provide for a comprehensive set of regulations on hydraulic fracturing in the state including provisions to protect water quality and to ensure transparency of the process. **Public Act 98-0022**

**SB 1824 – Memorial Maintenance:** Allows counties, municipalities and townships to appropriate funds to maintain veterans' memorials within its jurisdictions. Effective immediately. **Public Act 98-0312**

**SB 1869 – Improve Stormwater Management with Green Infrastructure:** Provides municipalities with an expanded ability to build and invest in innovative stormwater management infrastructure to help mitigate flood damage through the utilization of green practices such as green roofs, rain gardens, landscaping and porous pavement. Expands existing law to include these items among measures a municipality can use to help prevent flooding.  
**Public Act 98-0330**

**SB 1894 – Senior Tax Exemptions:** Raises the Senior Homestead Exemption (property tax relief for residents age 65 and older) from \$4,000 to \$5,000 for DuPage seniors effective for taxes due in 2014.  
**Public Act 98-0007**

**SB 2356 – Speed Limit:** Increases the maximum speed limit allowed on Illinois interstates and toll highways from 65 mph to 70 mph beginning on January 1, 2014 outside of urban areas.  
**Public Act 98-0511**



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**HJR 9 – Elgin O’Hare Western Access-EOWA:** Revises a previous resolution adopted by the General Assembly in 1995 to reflect the current project recommendations. The federal government has recognized the EOWA as a Project of National Significance and in December of 2012, gave final approval for construction. Last year, the Illinois Tollway included the project as part of the Tollway’s \$12 billion *Move Illinois* capital program. **Adopted by both Chambers**

**Bills Not Adopted:**

**HB 924 – Responsible Bidder:** The legislation would require all contractors that bid on public works contracts adhere to the “responsible bidder” requirements of the Illinois Procurement Code. Contractors would be required to demonstrate participation within a federally approved apprenticeship and training program, even for smaller programs such as the Home Weatherization and Home Improvement programs the county administers.

**HB 943 – Expands FOIA to Non-Profit Associations:** Amends the Freedom of Information Act (FOIA) to specify that the term *public body* includes any association of units of government or any not-for-profit corporation with membership that includes representatives of local government (such as Choose DuPage).

**HB 961 – Direct Deposit of Local Government Distributive Funds:** Requires the Illinois Department of Revenue to deposit from each income tax payment received specified amounts directly into the Local Government Distributive Fund (local government’s share of income tax proceeds) versus the current practice of depositing payments into the state’s General Revenue Fund.

**HB 1053 – Assessment of Golf Course Property:** Introduced in response to a pending court case that would exempt from taxation clubhouses and other structures on country club property that would be valued instead as open space. Presently, such parcels receive a preferential land value for green spaces but buildings are assessed at normal value. Absent this legislation and a favorable court ruling, a \$2 million tax burden could be shifted to other DuPage County taxpayers on top of the \$14 million already shifted due to the existing preferential assessment policy.

**HB 1259 – Self-Managed Pension Plan:** A DuPage County Initiative, the legislation authorizes IMRF employers like DuPage County to offer a defined contribution plan to employees similar to a 401k account versus a defined benefit plan as currently required by state statute.

**HB 2375 – Teacher Pension Shift:** Gradually shifts the costs for teacher pensions from the state to local school districts.

**HB 2377 – Forest Preserve Commissioner Compensation:** The legislation eliminates compensation for the President and Commissioners of the DuPage County Forest Preserve who are elected after the effective date of the Act.





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**HB 2398 – Mail Property Tax Assessments:** The bill requires the County Assessor to mail each tax year a notice of assessment to all individual taxpayers. If adopted, DuPage County would be required to send 330,000 individual notices costing over \$264,000 annually.

**HB 2479 – Consolidation of Forest Preserve:** Provides that after the 2016 general election, the DuPage County Board shall constitute the board of commissioners for the DuPage Forest Preserve District.

**HB 2480 – Consolidate Fire District:** Eliminates the three-member Bensenville Fire Protection District #1 Board, a contracting-paper fire protection district whose members are appointed by Addison Township, and transfers all duties to the township board.

**HB 2988 – Election of COD Trustees:** Provides for the election of board of trustee members by trustee district rather than at large in Community College District No. 502 (College of DuPage) beginning at the consolidated election in 2015.

**HB 3215 – Court Fees:** Authorizes the assessment of court fees-fines on each offense (or count) versus each case filed. In order to obtain greater efficiencies, the DuPage County Circuit Court Clerk currently lists multiple counts under one case. A recent court ruling however limits the application of court fees to cases only that could cost DuPage County an estimated \$1.6 million annually in lost revenues.

**SB 1 – State Pension Reform:** The House pension reform bill (adopted by a vote of 62-51-2), would raise the retirement age and allow retirees to receive a 3% compounded adjustment until reaching a cap calculated by their initial annuity. The bill failed in the Senate (16-42-0).

**SB 2 – Reform of DCEO:** Senate Committee Amendment #1 added to the bill restructures the present delivery of economic development services by the state and establishes the Illinois Economic Development Authority and the Illinois Business and Economic Development Corporation (see HB 1544).

**SB 1155 – Crime Free Housing:** Authorizes counties and non-home rule municipalities to adopt a crime free rental housing ordinance for the purpose of reducing crime in residential areas. The ordinance may include requirements for property owners to obtain a valid residential rental license, submit to a public safety and crime prevention inspection, attend a crime safety and prevention training program, conduct background checks on prospective tenants, and submit to periodic inspections of the rental property.

**SB 1476 – Nursing Home Staff Ratios:** The bill would move up the implementation date of the RUGS reimbursement methodology utilized by Medicare and 26 other states for the payment of Medicaid services, resulting in an increase in Medicaid rates (nursing component) paid to the DuPage Convalescent Center by \$500,000 annually.

**SB 1594 – Merge RTA & CMAP:** Creates the Transportation Modernization Act to merge the staffs and operations of the Regional Transportation Authority and the Chicago Metropolitan Agency for Planning.



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**SB 1681 – Unified Fire Districts:** Creates the Unified Fire Protection District Act to provide for regional fire protection districts either by referendum or by Intergovernmental Agreements but prohibits any reduction in firefighter personnel.

**SB 1689 – Elimination of Local Electoral Boards:** As adopted by the Senate, the bill includes language to abolish municipal, township, and community college district electoral boards and transfer the responsibility for all hearing matters to county electoral boards (DuPage Election Commission). The bill was amended in the House to remove this language.

**SB 1739 – Gaming Expansion:** Expands gaming in the state to include a land based casino in Chicago, four new riverboat casinos, and slot machines at race (horse) tracks.

**SB 2404 – State Pension Reform:** The Senate pension reform bill (adopted by the Senate by a vote of 40-16-0 but was not considered by the House), included options for current state workers and retirees regarding future cost of living increases and medical benefits that Senate Leaders maintain could withstand a constitutional challenge.