



# DUPAGE COUNTY

2017 STATE LEGISLATIVE UPDATE



## DuPage County Board Chairman

Daniel J. Cronin

421 N. County Farm Rd., Wheaton, IL

(Phone) 630-407-6060 (Fax) 630-407-6001

[www.dupageco.org](http://www.dupageco.org)

## DuPage County Legislative Committee

John F. Curran, Chairman

Tim Elliott

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## Legislative Update - May 9, 2017

This document highlights bills of interest to DuPage County Government that are **moving** through the legislative process. To view the actual text of bills, please consult the General Assembly website at [www.ilga.gov](http://www.ilga.gov) or contact the County Board Office for additional information.

### Support:

**HB 496 – Coterminous townships** (Demmer, R-Dixon/Cullerton, T., D-Villa Park): Provides that all townships within a coterminous or substantially coterminous municipality may be discontinued by voter referendum. Upon adoption of an ordinance by the city council of the township or upon petition of at least 10% of the registered voters of that township, the city council shall certify and cause the question to be submitted to the voters of the township at the next election or consolidated election.

**Status:** The bill was adopted by the House by a vote of 111-2 and is scheduled for a hearing before the Senate Executive Committee on May 10.

**HB 619 – FOIA Exemption for County Jails** (Walsh, D-Joliet/Haine, D-Alton): Supported by the DuPage County Sheriff, the bill amends the Freedom of Information Act to exempt from inspection and copying the following: records requested by a person committed to the Department of Corrections or a county jail, the disclosure of which would result in the risk of harm to any person or the risk of an escape from a jail or correctional institution or facility; records requested by a person in a county jail or committed to the Department of Corrections containing personal information pertaining to the person's victim or the victim's family, including, but not limited to, a victim's home address, home telephone number, work or school address, work telephone number, social security number, or any other identifying information, except as may be relevant to a requester's current or potential case or claim; and law enforcement records of other persons requested by a person committed to the Department of Corrections or a county jail, including, but not limited to, arrest and booking records, mug shots, and crime scene photographs, except for records that may be relevant to the requester's current or potential case or claim.

**Status:** The bill was adopted by the House by a vote of 98-9-1 and is scheduled for a hearing before the Senate Local Government Committee on May 10.

**HB 1805/SB 868 – Organ Donation 16 & 17 year olds** (Conroy, D-Elmhurst/Hunter, D-Chicago): Provides that the Secretary of State shall offer to each applicant for issuance or renewal of a driver's license or identification card who is 16 years of age or older (rather than 18 years of age or older) the opportunity to have his or her name included in the First Person Consent organ and tissue donor registry. Provides that upon the death of a



**(Support Continued):**

donor who is an un-emancipated minor, the parent or guardian of the donor may amend or revoke the anatomical gift of the donor's body.

**Status:** HB 1805 was adopted by the House by a vote of 103-3-0 and is on the order of second reading in the Senate. SB 868 was adopted by the Senate by a vote of 56-0 and is before the House Rules Committee.

**HB 2756/SB 1337 – County Stormwater Management** (Fortner, R-West Chicago/Rezin, R-Peru): Under the Illinois Counties Code, only 16 counties (including DuPage) currently have the authority to develop stormwater management plans. Many of the remaining 86 counties experience severe flooding as a result of frequent intense rainfall and runoff yet are not authorized to adopt a stormwater plan/ordinance to protect homeowners and businesses. As amended, both bills extend this authority (permissive) to all remaining counties and permits all counties to make grants to units of local government, non-profits and landowners to assist with stormwater management projects and to participate/help resolve urban drainage issues.

**Status:** HB 2756 was adopted by the House by a vote of 100-11 and is assigned to the Senate Local Government Committee as is SB 1337 (deadline for consideration was extended until May 31).

**SB 1417 – Electronics Recycling** (Althoff, R-McHenry): Senate Amendment #1 creates the Consumer Electronics Recycling Act to improve residential access to electronics recycling. Establishes a number of county collection sites (based on population) that may either be permanent collection sites (five for DuPage) or a series of one-day collection events effective for program year 2019. The program will collect specified covered electronic devices (CEDs) banned from landfills including computers, monitors, printers, televisions, facsimile machines, electronic keyboards, video game consoles, videocassette recorders, and scanners among other items. Beginning in program year 2019, establishes under the Illinois Environmental Protection Agency (EPA) a manufacturer e-waste program to transport and recycle residential CEDs collected from county program collection sites and sets forth responsibilities for recyclers and collectors. Funds the program through registration fees collected pursuant to the Act that will be deposited into the Solid Waste Management Fund.

**Status:** The bill is on the order of third reading in the Senate (deadline for consideration was extended until May 31).

**SB 1592 – Consolidation of the DuPage County Election Commission** (Harmon, D-Oak Park, Nybo, R-Elmhurst): A DuPage County initiative supported by the DuPage County Election Commission, the legislation allows specified counties to create a board of election commissioners within the office of the county clerk. Sets forth procedures for the adoption of an ordinance by the county board to create this office, for the transfer of records, procurement of supplies, and the hiring of personnel. Establishes a five-member Board of Election Commissioners (2 from each political party with the County Clerk acting as Chairman) and requires the board to hold public meetings in accordance with the Open Meetings Act. Also caps the compensation of election commissioners (see attached fact sheet).

**Status:** The bill was adopted by the Senate by a vote of 47-0 and is before the House Rules Committee.

**SB 1799 – Processing of Juvenile Offenders** (Mulroe, D-Chicago/Gabel, D-Evanston): Provides that a minor alleged to be a delinquent minor taken into temporary custody must be brought before a judicial officer within 48 hours (rather than 40 hours excluding Saturdays, Sundays and court designated holidays). Provides that if an



### **Support continued):**

appearance is required of any minor taken and held in a place of custody or confinement operated by the State or any of its political subdivisions, including counties and municipalities, the **chief judge of the circuit may permit by rule for the minor's personal appearance to be made by means of two-way audio-visual communication, including closed circuit television and computerized video conference, in the following proceedings: the initial appearance before a judge; a detention or shelter care hearing; or any status hearing.** Currently, the 18<sup>th</sup> Judicial Circuit in DuPage County successfully utilizes video conferencing to facilitate weekend hearings for juveniles who are held at the Kane County Regional Detention Facility.

**Status:** The bill was adopted by the Senate by a vote of 54-0 and is before the House Rules Committee.

### **Oppose:**

**SB 1451 – Siting of Small Wireless Facilities** (Link, D-Waukegan): As introduced, the legislation severely limits the authority of local governments to regulate the location and installation of small wireless equipment within its jurisdictions. Provides that an authority (a unit of local government with control over rights-of-way) has limited authority to prohibit, regulate, or charge for the collocation of small wireless facilities (the installation, mounting, maintaining, modifying, operating, or replacement of small wireless facilities on or adjacent to a wireless support structure or utility pole). Directs that small wireless facilities shall be classified as permitted uses and not be subject to zoning review and approval under specified circumstances. Although the bill was adopted by committee, the sponsor has indicated he would continue negotiations to address the many concerns raised by local governments to limit its authority to regulate its own infrastructure and to ensure the safety of our residents.

**Status:** The bill was adopted by the Senate Telecommunications & Information Technology Committee and is on the order of third reading in the Senate. The deadline for consideration was extended until May 31.

**SB 2199 – 25% Reduction in LGDF** (McCarter, R-Vandalia): Amends the Illinois Income Tax Act and reduces by 25% the amount transferred from the General Revenue Fund to the Local Government Distributive Fund (LGDF). Also reduces by 20% the amounts deposited into the Local Government Tax Fund, the County and Mass Transit District Fund, and the State and Local Sales Tax Reform Fund each month. Provides that the reductions under this Act shall begin July 1, 2017. DuPage County currently receives \$9.7 million annually from the local government distribution of Illinois income tax proceeds (LGDF). These monies do not represent a state government grant but rather a small share of the state income taxes paid by DuPage citizens that are returned to support critical local services. DuPage County and its municipalities are subject to the same economic pressures as the State of Illinois and local governments continue to struggle to provide basic services to our residents.

**Status:** The bill is scheduled for a hearing before the Senate Revenue Committee on May 10 (deadline for consideration was extended until May 12).

### **Monitor:**

**SB 552 – Elimination of Monetary Bail** (Trotter, D-Chicago): Senate Amendment #1 filed to this legislation amends the Code of Criminal Procedure to abolish monetary bail except under the Uniform Criminal Extradition



# DUPAGE COUNTY

2017 STATE LEGISLATIVE UPDATE



## **(Monitor continued):**

Act. **In addition to public safety concerns, DuPage County currently receives an estimated \$3.5 million annually in bond forfeiture proceeds**, monies that are critical to the operation of our criminal justice system.

**Status:** The bill was adopted by the Senate Criminal Law Committee and is on the order of second reading in the Senate. The deadline for consideration was extended until May 31.

**SB 1578 - Distribution of property seized by local law enforcement (Harmon, D-Oak Park):** Creates the Seizure and Forfeiture Reporting Act and requires the Illinois Criminal Justice Information Authority to establish and maintain on its official website a searchable public database that includes specified information about property seized and forfeited under State law and under any agreement with the federal government. Provides that the Illinois Criminal Justice Information Authority shall award grants under the procedures of the Act for the disbursement of monies collected in the Asset Forfeiture Proceeds Fund and changes most forfeiture distributions from local law enforcement agencies to the Asset Forfeiture Proceeds Fund. Currently, negotiations are being held between the sponsor, law enforcement agencies and the State's Attorney's Association to address local concerns.

**Status:** The bill was adopted by the Senate Judiciary Committee and is on the order of second reading in the Senate. The deadline for consideration was extended until May 31.

## **Other Issues:**

- **Economic Development for a Growing Economy Tax Credit Act (EDGE):** DuPage County supports a continuation of this tax credit (that officially expired as of April 30) but joins efforts to reform the program to ensure value for taxpayers and provide appropriate incentives to grow, attract, and retain businesses in DuPage County and the State of Illinois. EDGE is the state's largest economic development tool to recruit companies to our state and to help businesses remain and expand. Since EDGE was established in 1999, it has created 34,000 jobs and retained 46,000 jobs in Illinois.

HB 1125 adopted by the House (awaiting Senate action) would extend EDGE until May 31, 2017 to preserve the program while negotiations continue.