



DUPAGE COUNTY

2019 STATE LEGISLATIVE UPDATE



Legislative Update – May 7, 2019

DuPage County Board Chairman

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DuPage County Legislative Committee

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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 or contact the County Board Office for additional information.

Support:

HB 3426 (Costa Howard, D-Glen Ellyn/T. Cullerton, D-Villa Park): Property Taxes/DAA lease holders - Amends the Property Tax Code. Provides that, if an airport authority enters into a lease with a tenant to occupy space on airport premises, and the tenant is liable for the payment of property taxes on the property, the lease shall contain certain language regarding the liability of the tenant for unpaid taxes. Provides that, if the tenant fails to make timely payment of those taxes, the tenant shall be liable for an additional penalty not to exceed the amount of taxes in arrears. Effective immediately.

Status: The bill was adopted by the House by a vote of 107-5 and is scheduled for a hearing before the Senate Judiciary Committee on May 7.

SB 29 (Bush, D-Grayslake/Mason, D-Gurnee): Green Energy Companies - Creates the Illinois Energy Transition Zone Act to provide for the certification by DCEO of municipal ordinances designating a depressed area as an Energy Transition Zone and provides an Energy Transition Tax Credit to incentivize/foster job creation and the development of green energy under specified conditions. Provides that a green energy enterprise is a company that is engaged in the production of solar energy, wind energy, water energy, geothermal energy, bioenergy, or hydrogen fuel and cells.

Status: The bill was adopted by the Senate by a vote of 58-0 and is assigned to the House Executive Committee.

SB 1041 (DeWitte, R-West Dundee/Costa Howard, D-Glen Ellyn): Payment of Property Taxes – A DuPage Airport Authority Initiative negotiated with the County Treasurer and State’s Attorney’s office, the bill amends the Property Tax Code to provide that in a county with more than 800,000 residents but less than 1 million, if a lessee is liable for the payment of property taxes extended against the property that is owned by a taxing district, the county treasurer shall promptly notify the taxing district that owns the property if the property taxes are delinquent 60 days after the second installment due date. Provides that the State’s Attorney of the county in which the property is located may bring an action against the lessee in circuit court to recover the full amount of



(Support continued):

delinquent taxes, interest, penalties, and costs. Also requires the Supervisor of Assessments to be notified when a new lease is executed or terminated.

Status: The bill was adopted by the Senate by a vote of 55-0 and is scheduled for a hearing before the House Revenue & Finance Committee on May 9.

SB 1114 (Bush, D-Grayslake/Yingling, D-Round Lake Beach): County Authority to Remove Hazards - A Lake County initiative, amends the Counties Code to provide that in addition to any other remedy provided by law, if a county finds that within a residential property of one acre or less, there is an accumulation or concentration of: garbage; organic materials in an active state of decomposition; human or animal waste; debris; or other hazardous, noxious, or unhealthy substances or materials which present an immediate threat to the public health or safety, the county may without any administrative procedure to bond, petition the court for immediate injunctive relief to abate or cause the abatement of the condition causing the threat. Specifies other conditions and procedures.

Status: The bill was adopted by the Senate by a vote of 57-0 and is scheduled for a hearing before the House Judiciary-Civil Committee on May 8.

SB 1215 (Cullerton, D-Villa Park/Yingling, D-Round Lake Beach): Extend Moratorium on Creation of New Governments - Amends the General Assembly Organization Act. Provides that until January 1, 2022 (currently, January 1, 2020), the General Assembly shall not enact any law creating any new unit of local government. Repeals the Section on January 1, 2022.

Status: The bill was adopted by the Senate by a vote of 56-0 and is assigned to the House Executive Committee.

SB 1217/HB 3198 (Cullerton, D-Villa Park/Pappas, D-Bloomington): Use of Non-Home Rule Hotel/Motel Tax Proceeds - Amends the Illinois Municipal Code. Provides that not less than 75% of the amounts collected by a municipality within DuPage County pursuant to the municipal hotel operators' occupation tax and municipal hotel use tax shall be used to promote tourism within that municipality. Provides that the remainder of the amounts collected may be used by the municipality for economic development or capital infrastructure. Requires that a municipality belong to the certified local tourism and convention bureau. Repeals the provisions as of January 1, 2023.

Status: SB 1217 was adopted by the Senate by a vote of 49-0 and is scheduled for a hearing before the House Revenue & Finance Committee on May 9. HB 3198 was adopted by the House by a vote of 95-15-1 and is before the Senate Committee on Assignments.

SB 1580 (Curran, R-Downers Grove/Wehrli, R-Naperville): Adult Business Regulation - Amends the Counties Code. Provides that a non-home rule county with a population of at least 900,000 may adopt an ordinance with reasonable regulations concerning the operation of an adult entertainment facility in unincorporated areas of the county that involves exposure of specified anatomical areas or performance of specified sexual activities by a person within the business' premises or that offers or provides sexually-oriented entertainment services or activities. Provides if the county has established a licensing program as part of its regulation of adult entertainment facilities, the findings, decision, and orders of the licensing official or licensing body is subject to



(Support continued):

review in the Circuit Court of the county and that the Administrative Review Law apply to and govern the judicial review. Allows a code hearing unit of non-home rule counties with a population of at least 900,000 to enforce and prosecute violations of the adult entertainment facilities ordinance through its administrative adjudication program **(see attached fact sheet)**.

Status: The bill was adopted by the Senate by a vote of 54-0 and is scheduled for a hearing before the House Counties & Township Committee on May 9.

SB 1581 (Curran, R-Downers Grove/Durkin, R-Westmont): Public Safety Definition – As adopted by the Senate, the legislation amends the Counties Code with regard to the Special County Retailers' Occupation Tax that permits counties to seek referendum authority to expend additional funds for public safety, public facilities, mental health, substance abuse or transportation purposes. Expands the definition for the use of public safety revenues to include "criminal justice."

Status: The bill was adopted by the Senate by a vote of 50-0 and is scheduled for a hearing before the House Revenue & Finance Committee on May 9.

SB 1852 (Curran, R-Downers Grove/Durkin, R-Western Springs): Notice of EtO leak - Amends the Environmental Protection Act. Provides that in the event of an ethylene oxide leak, a facility shall issue a notice with specified information immediately upon discovery to all affected property owners and local government within 2,500 feet of the leak site. Provides that the amendatory Act's provisions apply only to an owner or operator of a sterilization source using one ton or more of ethylene oxide in a rolling 12-month period of sterilization or fumigation operations, and does not apply to beehive fumigators, research or laboratory facilities, or sources such as hospitals, doctors' offices, clinics, or other facilities for which the primary purpose is to provide medical services to humans or animals.

Status: The bill was adopted by the Senate by a vote of 54-0 and is scheduled for a hearing before the House Energy & Environment Committee on May 7.

SB 1854 (Curran, R-Downers Grove/Durkin, R-Western Springs): EtO Emissions - Amends the Environmental Protection Act. Provides that beginning on the effective date of the amendatory Act no facility shall have fugitive emissions of ethylene oxide above zero. Provides that each facility shall be subject to regular and frequent inspections and testing to ensure that no fugitive emissions of ethylene oxide exist. Provides that inspections shall be unannounced and may be conducted by a qualified third party selected by the agency. Provides that each facility shall be subject to fence line ambient air testing, at random, once within every 90 to 120 days for a duration of 24-hour samples of no less than 6 consecutive days. Provides that emissions tests shall be paid for by the facility.

Status: The bill was adopted by the Senate by a vote of 54-0 and is scheduled for a hearing before the House Energy & Environment Committee on May 7.



Other Issues:

SB 1609 (Sims, D-Chicago/Slaughter, D-Chicago): Increased Incarceration Credit - Amends the Code of Criminal Procedure of 1963. Provides that any person incarcerated on a bailable offense who does not supply bail and against whom a fine is levied on conviction of the offense shall be allowed a credit of \$30 (rather than \$5) for each day so incarcerated upon application of the defendant.

The 2017 Bail Reform Act (to date), has decreased revenues that are available to support the county's court system by over \$265,000 according to the DuPage Circuit Court Clerk's Office due to the mandatory \$5 credit.

At the same time, probation costs have increased due to expanded alcohol and drug testing, GPS monitoring and other conditions imposed by judges due to the mandated early release of certain offenders. The continued loss of revenues associated with reduced bail amounts and the expungement of records continue to erode the county revenues necessary to support the judicial system (with no other revenue source identified as a replacement).

Increasing the daily credit from \$5 to \$30 will further exacerbate the current situation and lessen resources available for sought-after alternatives to incarceration, such as Drug Court, Mental Health Court, and in DuPage County, First Time Offenders Court. DuPage County urges the General Assembly to consider when enacting criminal justice reform measures the financial impact on court operations.

Status: SB 1609 was adopted by the Senate by a vote of 31-18 and is scheduled for a hearing before the House Judiciary-Criminal Committee on May 7.

HB 3065 (Bryant, R-Mt. Vernon/Rezin, R-Morris): Adult Protective Services Investigations – the legislation provides that when conducting any investigation concerning a report of suspected abuse, neglect, financial exploitation, or self-neglect of an eligible adult, the Department on Aging (or local agency) shall contact as many of the eligible adult's family members, neighbors and friends as reasonably possible under the circumstances.

Staff from DuPage County's Community Services Department raised concerns that the legislation takes away the client's right to self-determination and confidentiality if county staff are required to talk to family members or neighbors against the client's wishes. **In response, representatives from the Area Agencies on Aging will be offering revised language to the bill's sponsors for consideration (see attached letter).**

Status: The bill was adopted by the House by a vote of 106-0 and is scheduled for a hearing before the Senate Human Services Committee on May 7.