



DuPage County

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LEGISLATIVE UPDATE

DU PAGE COUNTY LEGISLATIVE AND
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End of Session Report 2011 Spring Legislative Session Legislation Impacting County Governments

Bills Adopted by Both Chambers:

House Bill 156 – Cell Tower Notification: Requires that 30 days prior to the issuance of a building permit for a facility necessitating the erection of a new cell tower, that the permit applicant provide written notice of its intent to construct the facility to the State Representative, State Senator and County Board Members of the district in which the subject facility shall be constructed. **Public Act 97-0242**

House Bill 268 – Local Government Consolidation: Creates the Local Government Consolidation Commission Act of 2011 to establish a commission comprised of legislative members and local government representatives appointed by the Governor to study and formulate specific recommendations for legislation or constitutional amendments to reduce the multiplicity of local governments, eliminate overlapping and duplication of unnecessary powers, and to permit optional forms of local government. **Public Act 97-0316**

House Bill 1056 – Rules of Procedure for ZBA Hearings: Amends the Illinois Municipal Code to provide that in a municipality with a population of less than 500,000, that the corporate authorities may adopt or authorize the zoning board of appeals or any other board, commission, or committee that conducts public hearings, to adopt rules of procedure for the hearing. **Public Act 97-0552**

House Bill 1091 – Public Private Partnerships for Transportation Act: Grants IDOT and the Toll Highway Authority with the necessary powers for the development, financing, and operation of transportation projects through public-private agreements with one or more private entities. **Public Act 97-0502**

House Bill 1277 – Auditors Exemption under Open Meetings Act: An initiative of the Illinois CPA Society, the legislation provides a narrow exemption to the Open Meetings Act to permit internal or external auditors to meet in Executive Session with the appropriate county board committee to discuss such issues as internal control weaknesses, identification of potential fraud risk areas, or known or suspected fraud. **Public Act 97-0318**

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House Bill 1491 – Sale of Liquor on County Property: Provides that a county may by ordinance allow liquor to be sold or delivered at any specifically designated building belonging to or in control of the county, provided the county complies with all applicable local ordinances. **Public Act 97-0250**

House Bill 1698 – Worker’s Compensation Reform: A worker’s comp proposal largely aimed at reducing payments to medical care providers was adopted by both chambers. Proponents estimate savings between \$500 to \$700 million for Illinois employers. **Public Act 97-0018**

House Bill 1716 – Commercial FOIA Requests: Authorizes a public body to charge a fee for each hour spent by personnel in searching for and retrieving requested records for a “recurrent requester” (commercial entity). Specifies that a person whose records request is made for a commercial purpose, may not file a request for review with the Public Access Counselor, except for the limited purpose of determining whether the public body accurately characterized the request as a commercial request. **Public Act 97-0579**

House Bill 1730 – Municipal Economic Development Activities: Amends the Illinois Municipal Code to provide that the corporate authorities of a municipality may appropriate and expend funds for economic development purposes. **Public Act 97-0094**

House Bill 1909 – Code Enforcement: Amends the Counties Code to provide that in the case of a property maintenance code violation by a repeat offender, a notice to appear may be used as the proper service of process against the owner of the property. Further provides that the date to appear in court for a violation of the property maintenance code shall be no sooner than 15 days after the notice to appear is served upon the property owner, among other provisions. **Public Act 97-0561**

House Bill 1956 – IMRF Return to Work: Identical to provisions contained in Senate Bill 1831, the bill permits retired members who return to work for an IMRF employer to keep their pension benefits if they are employed in a position requiring less hours than the employer's standard for participation in IMRF (DuPage County is a 1,000 hour employer). **Public Act 97-0328**

House Bill 2556 – Municipal Prosecution Fee: Amends the Counties Code to provide that a municipality shall be entitled to a \$25 prosecution fee for each violation of (i) the Illinois Vehicle Code prosecuted by the municipal attorney, (ii) a municipal vehicle ordinance, or (iii) a non-traffic ordinance which "results in a finding of guilt" (instead of "is tried") before a circuit or associate judge or in which a defendant has stipulated to the facts supporting the charge or a finding of guilt and the court has entered an order of supervision." **Public Act 97-0331**

House Bill 3184 – Fees for Civil Unions: Expands the authority of County Clerk’s to charge a fee for the issuance of civil union licenses (same amount that is charged for marriage licenses), not to exceed \$75. **Public Act 97-0004**

House Bill 3253 – SLEP Conversion & Sunset of ECO Plan: The bill eliminates a current provision in statute that permits a sworn law enforcement employee enrolled in the SLEP pension plan to convert up to ten years of non-SLEP service and also sunsets the Elected County Officers (ECO) pension program (for new participants). **Public Act 97-0272**

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House Bill 3371 – Clean Construction Debris Definition: The bill includes recommended language from IEPA that will allow the Illinois Pollution Control Board to use background levels for virtually all contaminants. Also adds licensed Professional Geologists (in addition to licensed Professional Engineers) to the list of those who may certify that soil is uncontaminated. **Public Act 97-0137**

Senate Bill 541 – Accountability of Appointed Bodies: A county initiative, the legislation permits county boards in counties with a population greater than 300,000 but less than 2 million, to adopt by ordinance, specific reporting requirements for local agencies of which the county board confirms a majority of member appointments. **Public Act 97-0084**

Senate Bill 1631 – New Fee to Support Probation & Court Services: Provides that pursuant to an administrative order from the chief judge of a circuit, that a clerk of the circuit court in any county that imposes a court automation fee shall also charge and collect an additional \$10 operations fee to support probation and court services operations, except as follows: a \$10 operations fee shall not be charged and collected in cases governed by Supreme Court Rule 529 (relating to fines, fees, and costs on written pleas of guilty in minor traffic and conservation offenses) and if the bail amount is \$120 or less. Provides that such fees shall be deposited into the probation and court services fund, among other changes. **Amendatory Veto (see attachment)**

Senate Bill 1686 – Reduction of Publication Costs: After years of negotiations with the press association, legislation was adopted that reduces (by an estimated 30%), county costs related to publication fees paid to newspapers for publishing property tax assessments. This legislation is significant as next year is a general assessment year. **Public Act 97-0146**

Senate Bill 1754 – County Juvenile Detention Employees: Includes in the offense of aggravated assault, the assault of an employee of a county juvenile detention center who provides direct and continuous supervision of residents of a juvenile detention center, including an employee of a county juvenile detention center who supervises recreational activity for residents of a juvenile detention center. **Public Act 97-0225**

Senate Bill 1831 – Omnibus Pension Reform Bill: This bill initially filed as an “anti-pension spiking” measure, the bill includes numerous changes to be implemented by IMRF employers including a provision that requires employers that exceed a 6% overall compensation cap during an employee’s final year of service to pay any increase in pension liabilities above the 6% cap within 90 days to IMRF. DuPage County was successful in amending this language to exclude from the 6% provision earnings attributable to personnel policies in place prior to the effective date of the Act for employees hired prior to enactment of the legislation. The bill also requires that any raises provided above 12% (with certain exemptions) be posted on the employer’s website after receiving a pension impact statement from IMRF. Requires within 6 days after an IMRF employer adopts a budget, that the employer post on its website the total compensation package for each employee having a total compensation package that exceeds \$75,000 per year and at least 6 days before an IMRF employer approves an employee’s total compensation package that is equal to or in excess of \$150,000 per year, that the employer post on its website the total compensation package for that employee. The legislation also suspends the retirement benefits of any retiree who returns to work in the same retirement system on or after January 1, 2012 **if they work** the equivalent hours of a “participating employee” and eliminates pension eligibility for individuals who first become a director of the RTA, Metra or the Pace Boards on or after the effective date of this amendatory act. **Public Act 97-0609**

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Senate Bill 1907 – Cook County Township Highway Commissioners: Provides that by resolution, the board of trustees of any township located in Cook County may submit a proposition to abolish the road district of that township to the electors of that township at a general election or consolidated election. Provides that, upon abolition, the rights, powers, duties, assets, property, liabilities, obligations, and responsibilities of the road district shall vest in and be assumed by the township and permits the township board of trustees to enter into a contract with the county, a municipality, or private contractor to administer the roads under its jurisdiction. **Public Act 97-0611**

Senate Bill 2063 – Prepaid Wireless: The bill provides for the collection of a 9-1-1 surcharge fee at the point of sale for prepaid wireless device purchases and makes numerous other changes requested by the telecommunications industry. **Public Act 97-0463**

Senate Bill 2069 – Process Servers: Amends the Code of Civil Procedure to provide that in counties with a population of less than 2,000,000, process may be served by a registered employee of a private detective agency. Provides that a detective or detective agency shall send a copy of his, her, or its individual detective license or detective agency certificate to the county sheriff in each county in which the detective or detective agency serves process. **Public Act 97-0427**

Senate Bill 2170 – School Facility Occupation Tax: Removes a County Board's obligation to enact a voter approved tax and instead requires the automatic imposition of a school facility occupation tax due to a successful referendum. **Public Act 97-0542**

Budget Items:

- **Probation Funding for FY 12 (House Bill 123):** Funding was held at last year's level of \$55.5 million (the line item previously was reduced to less than \$35 million). The Illinois Supreme Court has estimated that it would take \$91 million to fully fund Probation Services as provided for by state statute. **Line Item Veto - the Governor vetoed one appropriation item to the Senate Operations Committee - all other appropriation items were approved.**
- **LGDF:** Despite much discussion about this issue, the General Assembly did not reduce funding of income tax proceeds received by local units of government thanks to the advocacy by municipalities and counties.
- **Medicaid:** The payment cycle for Medicaid nursing home providers was extended however this should not impact county nursing homes (Convalescent Center) as they are currently on an expedited payment cycle.

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Bills considered but NOT Adopted:

House Bill 267 – RTA Sales Tax Opt-out: Legislation to permit any county to opt out of the local RTA sales tax enacted in January of 2008 was adopted by the House but failed in the Senate.

House Bill 1041 – Prevailing Wage Exemption: The legislation would have altered the definition of federally funded projects to nullify the current exemption under the Davis Bacon Act for work performed on single family homes and small multi-family properties from prevailing wage standards. If enacted, many smaller contractors would have been deterred from bidding on these types of smaller home improvement projects.

House Bill 1293 – Sheriff's Foreclosure Sales: For the second year in a row, legislation was introduced to authorize plaintiffs to direct who may conduct foreclosure sales instead of the courts. Currently, judges ensure the integrity of all sales by selecting the most appropriate entity to conduct the sale. It is expected that the legislation will be introduced again next session.

House Bill 1715 – FOIA Records on Websites: A bill to provide that a public body is not required to copy and make available for public inspection a public record that is published on the public body's website was adopted by a House Committee but failed to be considered by the full House.

House Bill 2051 – Election of COD Trustees: Legislation to provide for the election of the board of trustee members by district rather than at large in Community College District #502 passed the House but stalled in the Senate.

House Bill 3372 – Stormwater Utility Fee: Legislation to permit specific counties (including DuPage) to adopt a schedule of fees applicable to real property within the county that benefits from the county's stormwater management facilities and activities passed the House but stalled in the Senate. It is expected that the legislation will be considered during the fall Veto Session that begins in October.

Senate Bill 512 & Senate Bill 175 – State Pension Reform: Despite considerable debate on this issue, the General Assembly took no significant action to establish a new pension system in which current employees under the State's five pension systems would opt for one of three plan choices in order to continue to receive pension benefits or to require state retirees to assume greater costs for their health insurance coverage. It is expected that hearings will be held over the summer months to further consider both issues and legislation may be introduced again during the fall veto session in October.

Senate Bill 2081 – DuPage River Salt Creek Workgroup: As introduced, the legislation would direct a portion of NPDES fees collected by the EPA to fund clean water projects in the watershed. Currently these dollars are being swept into the State's General Fund. Although the legislation was adopted by the Senate, the workgroup reached an agreement with the EPA that will now provide \$2.5 million in funding for local clean water projects.

Senate Bill 2194 – Sales Tax Sourcing: As adopted by the Senate, the legislation would have changed the sourcing rules applicable to sales taxes imposed by cities, counties and special districts and removed the Illinois Department of Revenue's authority to dispute the sales tax location, resulting in the potential erosion of the sales tax base in Cook and the Collar Counties. The bill was not considered by the House and it is expected that the Senate sponsor will hold hearings on the subject over the summer months.

HJRCA 5 – Pension Increase Vote: Despite much debate, a proposal that would amend the Illinois Constitution to require a 3/5 vote by any unit of local government before an ordinance, resolution, or other action increases benefits under any pension or retirement system for officials or employees of that unit of local government, failed to pass the House.