



DuPage County

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September 5, 2012

LEGISLATIVE UPDATE

DU PAGE COUNTY LEGISLATIVE AND
GOVERNMENTAL AFFAIRS COMMITTEE

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Final End of Session Report 2012 Spring Legislative Session

Bills Adopted by Both Chambers:

House Bill 222 – Online Posting of Local Government Salaries: Effective January 1, 2013, counties, townships, and municipalities are required to supply to the state Department of Central Management Services (CMS) a listing of employees sorted by employing unit of local government; employment position title; and current pay rate and year-to-date pay. Directs CMS, subject to appropriation, to compile and update the Illinois Transparency and Accountability Portal database with the information received from counties, townships, and municipalities. **Public Act 97-0744**

House Bill 404 - County Stormwater Authority: As introduced, the bill *eliminated the authority of counties to enact a stormwater ordinance*. The sponsor however agreed to an amendment drafted by DuPage County (House Floor Amendment # 2) to restore this language that was adopted. The remaining bill removes duplicative language from various sections of state statute. **Public Act 97-0916**

House Bill 3188 – Lawmaker Compensation: Rejects cost of living increases and requires state lawmakers to take 12 unpaid furlough days in fiscal year 2013. **Public Act 97-0718**

House Bill 3810 – General Assembly Scholarships: The legislation prohibits legislative scholarships from being awarded after Sept. 1, 2012 (saving state universities an estimated \$13 million annually) and creates a task force to examine the use of all tuition and fee waivers at Illinois' public universities. **Public Act 97-0772**

House Bill 3859 – Disclosure of Tax Revenue Sharing Agreements: Amends the Freedom of Information Act to exempt specified information concerning tax sharing agreements in counties and municipalities from public inspection and copying. Provides that a county or municipality, as applicable, may enter into an agreement to share or rebate any portion of retailers' occupation taxes generated by retail sales of tangible personal property. Requires specified reports to be filed with the Department of Revenue and that all reports be posted on the Department's website. **Public Act 97-0976**



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House Bill 4687 - Open Meetings Act: The bill corrects a loophole in the Open Meetings Act to ensure that governmental entities provide the public with a “descriptive agenda” and that notices of meetings are posted online or at an accessible location. **Public Act 97-0827**

House Bill 4986 – EPA Recycling: As introduced, the legislation established a recycling and composting goal that each county waste management plan must satisfy. As adopted by the General Assembly, the legislation creates the Task Force on the Advancement of Materials Recycling to review the status of recycling and solid waste management planning in Illinois and requires the Task Force to review the following topics: county recycling and waste management planning; current and potential policies and initiatives in Illinois for waste reduction, recycling, composting, and reuse; funding for State and local oversight and regulation of solid waste activities; funding for State and local support of projects that advance solid waste reduction, recycling, reuse, and composting efforts; and the proper management of household hazardous waste. Requires the Task Force to prepare a report within 2 years.

Public Act 97-0853

House Bill 5007 – Cook County Medicaid Waiver: Lifts the current moratorium on Medicaid expansion to permit Cook County (only) to apply for a Medicaid waiver to extend coverage to single, childless adults up to 133% of the federal poverty level at no cost to the state (Cook County pays the federal match required). Also extends the present Medicaid moratorium until 2015. **Public Act 97-0687**

House Bill 5899 - Counties/Forest Preserve Agreements: Authorizes a county, either before or after the effective date of this amendatory act, to enter into an intergovernmental agreement with any forest preserve district that exempts the district from compliance with county zoning ordinances. Effective immediately.

Public Act 97-1016

Senate Bill 180 – Collection of Court Fees: The bill permits Circuit Court Clerks to utilize the Comptroller’s offset program in order to garnish wages or tax returns for individuals who owe court fees or fines. The offset program is limited to individuals who have been issued a payment from the State Treasury.

Public Act 97-0970

Senate Bill 555 – Emergency Telephone System Board Expenditures: Defines “computer aided dispatch” and “hosted supplemental 9-1-1 service” to provide that expenditures from the Emergency Telephone System Fund account *may* pay costs associated with these services. **Public Act 97-1018**

Senate Bill 1313 – State Retiree Health Care: The bill requires state retirees to pay a portion of their health insurance premiums. Previously state retirees received a 5% credit for each year of service until they reached 20 years of service at which point retiree health insurance was offered at no cost. The bill directs the Department of Central Management Services to develop a rate structure based on an individual’s years of service and ability to pay. **Public Act 97-0695 (note: this Act has already been challenged in court)**



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Senate Bill 1849—Gambling Expansion: Awards four additional licenses to operate riverboat casinos at specified locations throughout Illinois (Rockford, Danville, Park City & a location in south suburban Cook County) plus a Chicago casino that would be city-owned and could be land-based or docked on Lake Michigan with 4,000 gambling positions. Also adds the operation of slot machines at Illinois race tracks.

Total Veto

Senate Bill 2194 – Cigarette Tax Increase/Hospital Tax Exemption: Imposes a \$1 per pack cigarette tax increase and doubles the tax on other tobacco products from 18% to 36% to increase funding for the state's Medicaid program and establishes standards/criteria for non-profit hospitals to qualify for property tax (and sales tax) exempt status. Also establishes an income tax credit for investor owned hospitals.

Public Act 97-0688

Senate Bill 2492 – Waive Juror Compensation: The bill amends the Counties Code to provide that a juror may elect to waive any fees paid for service, transportation, or day care as well as any fees paid for attending an inquest. **Public Act 97-0840**

Senate Bill 2706 – ROE Consolidation: The Task Force established last session came forth with a proposal to reduce the number of Regional Offices of Education from the present 45 to 35 offices by June 1, 2014 (increasing the size of service areas from 43,000 to 61,000 inhabitants). However, the bill does not address the future payment of superintendents or assistant superintendents salaries. **Public Act 97-0703**

Senate Bill 2840 – Medicaid Reductions: Includes \$1.36 billion in benefit cuts to the Medicaid program; across the board cuts to providers; extends the current Hospital Assessment Program through December 31, 2014; and enhances eligibility verification of Medicaid applicants among other items. **Public Act 97-0689**

Senate Bill 3170 – Township Electrical Aggregation: Provides that township boards may adopt ordinances under which they may aggregate residential and small commercial retail electrical loads located within the township when the municipality or county in which the township is located does not aggregate residential and small commercial retail electrical loads located within the township. Sets forth other conditions. **Public Act 97-0823**

Senate Bill 3184 - Carol Stream Park District Bonding Authority: Provides that certain bonds issued by the Carol Stream Park District that was approved by voters at a February 2, 2010 referendum are not subject to any applicable percentage limitations imposed and shall not be considered as part of the existing principal indebtedness of the district. Effective immediately. **Public Act 97-1103**

Senate Bill 3261 – Enhanced Charity Care: Amends the Hospital Uninsured Patient Discount Act to require hospitals to provide discounts for patients of specified income levels and to provide medically necessary free care to individuals with incomes up to 200% of the federal poverty guidelines in urban areas and up to 125% of federal poverty guidelines in rural areas. **Public Act 97-0690**



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Senate Bill 3397 – Carryover of Medicaid Bills: Restricts the carryover of unpaid Medicaid bills from one fiscal year to another. Limits the amount of prior fiscal year (Medicaid) bills that can be paid out of a future appropriation to \$700 million in FY 2013 and \$100 million in FY 2014 and thereafter. **Public Act 97-0691**

Senate Bill 3508 – Local Government Audit Reports: Requires counties, municipalities and other units of local government to submit financial and audit reports (electronically) to the Comptroller. **Public Act 97-0890**

Senate Bill 3518 - Solicitation on Local Roads: The bill provides that a county or municipality may not prohibit a charitable organization (defined as law enforcement personnel, firefighters or other public safety personnel) from soliciting for charitable purposes including solicitations on public roadways provided that requirements including an application and liability insurance are received. **Public Act 97-0692**

Senate Bill 3602 – Violent Crime Victims Assistance Fund: Imposes the following court fines to benefit this fund: \$100 for any felony; \$50 for specified offenses under the Illinois Vehicle Code; and \$75 for any misdemeanor (except for conservation offenses). **Public Act 97-0816**

Senate Bill 3607 - Property Tax Appeals: Removes a disincentive for township assessors to complete their work earlier in the year, thereby increasing local boards of review hearing capacity by providing additional time to hold assessment appeal hearings. During the most recent tax year, the DuPage Board of Review had docketed 18,528 assessment revision petitions, including 12,957 owner-initiated assessment appeals. This represents a 60% increase over last year. **Public Act 97-0812**

HJRC 49 – Constitutional Amendment/Pension Increases: Voters will consider a question on the ballot in November that asks except for appropriations bills, that no benefit increase under any pension or retirement system of the state, any unit of local government, or school district, shall become law without the concurrence of three-fifths of the members of the governing body (standard wage and salary increases do not trigger this voting requirement). **Adopted by Both Houses**

Budget/Appropriations:

- **State Budget** – The largest reductions contained in the FY 2013 budget include the elimination of funding for many state facilities – facilities slated for closure later this summer include Tamms and Dwight correctional facilities; mental health and developmental centers in Jacksonville, Tinley Park, Centralia and Rockford; youth centers in Joliet and Murphysboro and adult prisoner transition centers in Carbondale, Decatur and Chicago.
- **Corporate Personal Property Replacement Tax (CPPRT):** The final state budget does divert a total of \$12 million in CPPRT proceeds from all units of local government that receive a portion of these revenues to fund Regional Superintendents of Education.
- **Pension Reform** – No agreement was reached - primarily due to a disagreement over whether to shift pension costs for retired downstate and suburban teachers from the state to local school districts.



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- **County Nursing Homes** – Initially nursing homes were slated to receive cuts between 8% to 12% - as enacted, the state Medicaid budget imposes a 1% cut to care and a 1.7% cut to the capital and support rate for nursing homes, which equals an estimated \$143,000 loss for the Convalescent Center. However effective January 1, 2014, the state will utilize the Resource Utilization Grouping (RUGS) reimbursement methodology for nursing homes which recognizes residents with greater needs which will significantly benefit (financially) the Convalescent Center in the years to come.
- **Probation Funding for FY 13:** The Illinois Supreme Court requested \$95 million for FY 2013 to fund county provided probation services, a significant increase over last year's allocation of \$55 million. In the end however, funding was reduced by 13% to \$47 million.
- **Personal Property Replacement Tax Transfer (PPRT):** In the closing days of the legislative session, the Speaker sponsored three amendments to House Bill 3637 that would have transferred monies from the PPRT fund currently distributed to school districts, counties, municipalities and other units of government to fund teacher pensions instead – the legislation however, did not move forward.
- **Medicaid Reform:** A sweeping Medicaid Reform package was adopted this session that cut \$1.4 billion from Illinois' Medicaid program and eliminated benefits for an estimated 300,000 individuals in order to ensure the financial stability of the program. The package also eliminated Illinois Cares Rx, a prescription drug program for seniors.
- **Loss of Estate Tax proceeds:** In the closing days of session, an amendment was added to the Budget Implementation Bill (Senate Bill 3802) that diverts the counties portion of estate tax revenues to the State Treasury. To date, DuPage County has received \$225,000 in estate tax proceeds (this year).
- **Infrastructure Investment:** House Bill 4568 authorizes \$1.6 billion in bonds to finance state infrastructure repairs/improvements. Half of this amount would be used for state and local transportation projects and half for rail and mass transit. These bonds are part of the remaining bond authorization approved in 2009.

Bills considered but NOT Adopted:

House Bill 1293 – Eliminate Sheriffs' Foreclosure Units: The legislation attempted to eliminate County Sheriffs' Foreclosure Units by authorizing plaintiffs to direct who may conduct foreclosure sales instead of the courts. The legislation would have negatively impacted counties financially and more importantly, create problems for defendants who rely on experienced county staff to offer guidance, housing referrals, and a connection to needed community support services for their families during the emotionally difficult foreclosure process.

House Bill 3884 – Regulation of Vegetation: Creates the Overhead Utility Facilities Damage Prevention Act to provide that it is unlawful for any person to plant restricted vegetation within 20 feet of an electric utility pole or overhead electrical conductor located within the State. Provides that any restricted vegetation planted, whether by a person or by natural means, within 20 feet of an electric utility pole or overhead electrical conductor located within the State shall be subject to removal. Provides that any person who sells restricted vegetation within this State shall affix a label to each piece of restricted vegetation identifying it as restricted vegetation. Permits the Illinois Commerce Commission to adopt rules concerning the removal of restricted vegetation.



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House Bill 3926 – Cumulative Voting: Amends the Counties Code to provide that in the first general election after reapportionment, that voters in multi-county board districts shall have cumulative voting rights.

House Bill 4036 – RTA Oversight: As amended, the bill would strip the RTA of its ability to cap the level of debt service incurred by the CTA, permitting unlimited bonding authority. The CTA currently has an estimated \$3.35 billion worth of bonds that is approaching the 50% annual debt service cap imposed by the RTA Board in order to ensure that the transit agency does not increase its debt to unsustainable levels.

House Bill 4987 – Discontinuation of Townships: Provides that if the office of township assessor is discontinued in a township located in a county with 50,000 or more inhabitants, then the county assessor or supervisor of assessments shall assume the duties of the assessor. Further provides that if a township organization is discontinued in a township located in a county with 50,000 or more inhabitants, then the county superintendent of highways or the county engineer, as applicable, shall assume the duties of highway commissioner.

House Bill 5078 - Dual Office Holders: Senate Amendments 2 & 3 added to the bill allows (under certain conditions) an elected county official to hold a secondary local governmental (elected) office. The proposed language also specifies that a local government office holder may not enter into a second elected office in another unit of local government if he or she is (1) earning service credit under the Pension Code as a result of holding the first elected office AND (2) will earn service credit under the Pension Code as a result of simultaneously holding the second elected office. Senate Amendment 4 also added by the Senate sought to remove a pension sweetener for a former law enforcement employee. Although the House acted to concur with Senate Amendments 2 & 3, the vote to non-concur with Senate Amendment 4 failed, therefore, the entire bill died.

House Bill 5508 – County Officials’ Stipends: The legislation sought to eliminate, in counties with a population of 400,000 or more, state stipends for the following countywide offices: county treasurers, coroners, recorders, auditors, sheriffs, circuit court clerks and supervisor of assessments.

House Bill 5666 – Defined Contribution Option: DuPage County continues to seek the authority to offer employees a flexible benefit package similar to what is offered to private sector employees. This legislation would permit IMRF employers to offer a self-managed program of retirement benefits vs. the current defined benefit program.

House Bill 5900 – County Stormwater Fee: The bill sought to amend the Counties Code to provide that a county board in a metropolitan county located in the area served by the Northeastern Illinois Planning Commission, or Madison, St. Clair, Monroe, Kankakee, Grundy, LaSalle, DeKalb, Kendall, or Boone county, that has adopted a stormwater management plan, may adopt a schedule of fees applicable to real property within the county that benefits from the county's stormwater management facilities and activities.

Senate Bill 171 - Referendum on Township Duties: A number of amendments were filed to this shell bill that would have allowed citizens to initiate voter referendum questions regarding the Office of Township Assessor and Office of Highway Commissioner however, no action was taken.



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Senate Bill 2643 – Responsible Bidder/Smaller Programs: As amended by the House, the bill would require public bodies that awards contracts for public works to require that each bidder, rather than contractor or subcontractor, be a responsible bidder. The amendment further states that the public body awarding any contract for public work shall require each bidder to include in each bid an estimated total number of straight-time work hours identified as either “journeyperson” or “apprentice” for each craft or type of worker or mechanic needed to execute the contract. If enacted, the bill would increase the costs associated with smaller projects such as the county’s Weatherization program as higher costs reduce the number of homes that could be weatherized.

Senate Bill 3332 – Dual Office Holders: As amended by Senate Amendment #1, the bill provides that an elected county official may hold elected office in another unit of government as long as there is no disqualifying contractual relationship between the county and the other unit of government. States that the General Assembly finds it is *lawful* to hold the office of county board member simultaneously with an elected office of another unit of local government in accordance with this act.

Other Issues:

- **Extension of Emergency Telephone Wireless Surcharge:** Numerous proposals were introduced, however not considered, to extend the current wireless surcharge that supports the operation of our 9-1-1 response systems. The surcharge is set to expire as of April 1, 2013. Should the surcharge expire, the cost to maintain the infrastructure of 9-1-1 systems would become a huge unfunded burden on municipal and county budgets.