



DuPage County

421 N. County Farm Road, Wheaton, IL 60187

(P) 630-407-6060

(F) 630-407-6001

Session 2014

LEGISLATIVE UPDATE

DU PAGE COUNTY LEGISLATIVE AND
GOVERNMENTAL AFFAIRS COMMITTEE

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End of Session Report 2014 Spring Legislative Session Legislation Impacting County Governments

During the 2014 spring legislative session, the General Assembly adopted 511 bills. The Governor signed 500 of these bills and vetoed 11 bills – 6 total vetoes, 4 amendatory vetoes and 1 line-item reduction.

Below is a summary of legislation adopted by both chambers of interest to DuPage County Government.

Bills Adopted by Both Chambers:

HB 105 – Omnibus Election Bill (Currie, D-Chicago/Harmon, D-Oak Park): Makes a number of changes to state election law, many applicable just to this year's general election on November 4. Changes include Election Day voter registration; extends early voting until two days prior to the election; removes identity requirements for in-person voting; and requires the establishment of locations for Election Day in-person absentee voting at public universities. Also requires precinct maps to be posted on a local government's website, among other changes.

Public Act 98-0691

HB 961 – LGDF Prompt Payment (DeLuca, D-Chicago Heights/Cullerton, T., D-Villa Park): Requires the Comptroller to transfer receipts to the Local Government Distributive Fund within 60 days. DuPage County receives an estimated \$9.5 million annually from state income tax receipts under LGDF.

Public Act 98-1052

HB 2427 – Renewable Energy (Gabel, D-Evanston/Harmon, D-Oak Park): Authorizes the Illinois Power Agency to host a one-time \$30 million solar auction for power sent to Ameren and ComEd territories. Contracts cannot be less than five years and half of the distrusted generation auction must be allocated to smaller projects.

Public Act 98-0672



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HB 2453 – ETSB Wireless Surcharge & Chicago Cell Phone Tax (Bradley, D-Marion/Cullerton, J., D-Chicago): Extends for one more year the 73 cents wireless surcharge fee that funds the majority of the operations of local Emergency Telephone System Boards (ETSBs). Alters the distribution of the fee to increase the amount received by counties from 57 cents to 64 cents (a net increase of \$500,000 annually for DuPage). Creates a Division of the State Police as the statewide 9-1-1 Administrator to develop and implement an uniform statewide 9-1-1 system for all areas of the state with a population of less than 500,000 and extends for one year (and expands the membership of) the 9-1-1 Services Advisory Board. Also allows the City of Chicago to increase fees on telephone land lines, cell phones, and pre-paid phones by up to 56%.

Public Act 98-0634

HB 2747 – Grant Transparency (Crespo, D-Streamwood/Kotowski, D-Park Ridge): Establishes the Grant Accountability and Transparency Act to enact federal uniform rules for grants issued by state agencies. The legislation seeks to eliminate duplicative and conflicting guidance, provide consistent and transparent treatment of allowable costs charged to grants, sets forth a standard application process, reduces administrative burdens and places greater reliance on audit reports.

Public Act 98-0706

HB 3659 – CTA-RTA Board Membership (Franks, D-Woodstock/Sandoval, D-Cicero): Prohibits employees and members of the CTA Board, RTA Board and Metra Board from holding any other office or employment under the federal, state, or any county or municipal government or any other unit of government.

Public Act 98-0709

HB 3796 – Voluminous FOIA Requests (Currie, D-Chicago/Hastings, D-Matteson): The legislation attempts to address “voluminous” FOIA requests that some local governments consider as abuses by FOIA requestors. The bill defines what is “voluminous” and establishes a procedure for public bodies to respond to such requests. Also states 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 – unless the person making the request does not have reasonable electronic access.

Governor Quinn on June 27 vetoed the legislation stating it would have made it more difficult for members of the public to obtain large numbers of records under FOIA.

HB 3814/HB 105 – Minimum Wage Increase Ballot Initiative (Madigan, D-Chicago/Lightford, D-Westchester): Places a non-binding advisory question on the November ballot asking voters whether the minimum wage in Illinois should be raised for adults over the age of 18 to \$10 per hour by January 1, 2015.

Public Act 98-0657



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HB 3816 – Millionaire’s Tax Ballot Initiative (Madigan, D-Chicago/Noland, D-Elgin): Places a non-binding advisory referendum on the November ballot asking voters if the Illinois Constitution should be amended to require that each school district in the state receive additional revenue based on the number of students from an additional 3% tax on income greater than one million dollars.

Public Act 98-0794

HB 3885 – Municipal Access to Sales Tax Data (Manley, D-Joliet/Bertino-Tarrant, D-Plainfield): Allows the Illinois Department of Revenue to provide sales tax revenue information for individual retailers to municipalities that agree to confidentiality provisions.

Public Act 98-1058

HB 4208 – County Appointments/Ethics (Fine, D-Glenview/Biss, D-Evanston): Provides that any member of a governmental entity appointed by members of the County Board (in addition to individuals appointed by the President or Chairman of the County Board) shall abide by the ethics laws/policies enacted by that county.

Public Act 98-0894

HB 4418 – Municipal Fire Department Dissolution (Hoffman, D-Belleville/Delgado, D-Chicago): Prohibits a city or village with 500 or more residents, that owns, operates, or maintains any fire department from ceasing operations unless approved by voters (by referendum).

Public Act 98-0666

HB 4743 – County Impoundments (Moffitt, R-Galesburg/Bivins, R-Dixon): Provides that counties in addition to municipalities may adopt administrative procedures for the release of impounded vehicles.

Public Act 98-0734

HB 5354 – Cupcake Sales (Meier, R-Highland/Trotter, D-Chicago): Referred to as the “Cupcake Girl” bill in response to a recent situation that occurred in Madison County where the county’s Health Department shut down a young girl’s cupcake business, the legislation seeks to loosen the regulatory burden on small, home based food preparation operations.

Public Act 98-0643

HB 5503 - Audit Presentations to County Boards (Demmer, R-Rochelle/Connelly, R-Lisle): The legislation requires each fiscal year that the auditor conducting the audit for a county or municipality within 60 days of the close of the audit, provide a copy of any management letter and a copy of any audited financial statements to each member of the corporate authority or county board, to post the information on the governmental entity’s internet website, and to present the information to the municipality or county board either in person or by a live phone or web connection during a public meeting.

Public Act 98-0738



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HB 5623 - Public Access to Elected Officials (Sandack, R-Downers Grove/Harmon, D-Oak Park): A DuPage County Initiative, the legislation requires a unit of government or school district that serves a population of less than one million and that maintains a website other than a social media website, to post on its website a mechanism such as an uniform, single email address, for members of the public to electronically communicate with elected officials of that unit of local government or school district. Effective January 1, 2015.

Public Act 98-0930

HB 5664 – Pace Ride the Shoulder Pilot Program (Rita, D-Blue Island/Sandoval, D-Cicero): Makes permanent the Pace “Bus on the Shoulder Pilot Program.” Authorizes the Illinois Department of Transportation to prescribe by rule which transit buses are authorized to operate on shoulders, as well as times and locations.

Public Act 98-0871

HB 5696 – IMRF Revisions (Poe, R-Springfield/Althoff, R-McHenry): An initiative of IMRF, the bill makes a number of administrative changes including: no longer requires that an election be held for the IMRF Board of Trustees if only one candidate is certified; codifies the board’s current practice for omitted service procedures (when an employee was required to be enrolled in IMRF but was not actually enrolled); and removes obsolete transfer windows from the Illinois Pension Code.

Public Act 98-0932

HB 5701 – Employee Background Checks (Mayfield, D-Waukegan/Munoz, D-Chicago): Creates the Job Opportunities for Qualified Applicants Act to prohibit criminal background checks on most job applicants until the applicant has been determined qualified for the position and notified that the applicant has been selected for an interview or a conditional offer of employment has been extended. Effective January 1, 2015.

Public Act 98-0774

HB 5755 – Women’s Health Referendum Act (Cassidy, D-Chicago/Martinez, D-Chicago): Places a non-binding advisory question on the November ballot asking voters whether any health insurance plan in Illinois that provides prescription drug coverage should be mandated to include prescription birth control as part of that coverage.

Public Act 98-0696

HB 5785 - Dissolution of Local Governments (Franks, D-Woodstock/Biss, D-Skokie): The legislation provides a mechanism for specific taxing districts to be either dissolved or consolidated by a majority vote of its board of trustees into a neighboring district, municipality, or county government contingent upon the agreement of the other unit of government. Sets forth specific other requirements.

Public Act 98-1002



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HB 5812 – County Board Membership on Non-Profit Boards (Stewart, R-Freeport/Bivins, R-Dixon): Sets forth provisions for a county board officer to hold a position on the board of a not-for-profit corporation that is interested in a contract, work, or business of the county. If the county officer is appointed by the governing board of the county to represent the interests of the county, the county officer may vote on matters involving either that board or the county as long as the board position is not paid (may accept reimbursement for expenses). If the county officer is not appointed to the not-for-profit by the governing body of the county, the county officer may serve but shall abstain from voting on any proposition before the county directly involving the not-for-profit corporation.

Public Act 98-1083

HB 5856 – Fire Protection District Annexation (Moffitt, R-Galesburg/Sullivan, D-Quincy): Provides that the voters of a fire protection district may vote to simultaneously dissolve and consolidate the district into an adjoining fire protection district.

Public Act 98-1003

HB 5868 – E-Cigarettes (Willis, D-Northlake/Mulroe, D-Chicago): Requires alternative nicotine products (such as e-cigarettes) to be sold from behind the counter or in an age restricted area or in a sealed display case.

Public Act 98-0983

HB 5889 – Judicial Facilities Fee (Walsh, Jr., D-Joliet/McGuire, D-Crest Hill): Amends the Counties Code to permit the Will County Board to enact by ordinance a judicial facilities fee to be used for the construction of new judicial facilities. Sets the maximum fee at \$30.

Public Act 98-1085

SB 741 - Comprehensive Medicaid Reform (Trotter, D-Chicago/Harris, D-Chicago): The bill includes a number of substantive Medicaid provisions impacting hospitals, health care systems and long term care facilities including provider protections as the state moves to a Medicaid Managed Care system. The legislation allows the State to continue to receive \$2 billion in federal reimbursements plus an additional \$400 million from an extension of provider assessments scheduled to sunset. Of particular interest to the DuPage Convalescent Center are provisions that would expedite eligibility determinations, strengthen the partnership between nursing facilities and managed care organizations (MCO's) by better defining processes and policies, and providing additional funding for implementation of the acuity based RUGs rate methodology updating support rates from 2004 levels and rates for Alzheimer's/dementia/severe mental illness care. The legislation also appropriates \$2 million annually for the next four years to support the operations of the Illinois Poison Control Center.

Public Act 98-0651



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SB 978 – Expunge Juvenile Records (Raoul, D-Chicago/Turner, D-Chicago): Establishes procedures for the automatic expungement of certain juvenile adjudications. Records covered by the legislation include an arrest or incident that occurred before a person's 18th birthday. Certain offenses such as Class X felonies, Class 1 and Class 2 felonies are excluded from the legislation.

Public Act 98-0637

SB 1681 – Consolidation of Fire Services (Link, D-Waukegan/Hoffman, D-Belleville): Establishes procedures for the regional consolidation of fire service agencies per a petition and referendum process. Creates the Unified Fire Protection District Act and as amended, addresses some of the concerns raised by municipalities. Provides municipalities with the option to exempt themselves from initial participation in a consolidation process through the passage of a resolution prior to the filing of a petition or by a vote of the body before the issue goes to referendum.

Public Act 98-1095

SB 1922 – Chicago Pension Reform (Raoul, D-Chicago/Madigan, D-Chicago): Reduces the future pension benefits to be paid and increases the future pension contributions to be paid by several sectors of City of Chicago workers under the Chicago Municipal Employees and Laborers' pension funds (excludes police, firefighters and teachers).

Public Act 98-0641

SB 2015 – Increased Speed Limit (Oberweis, R-North Aurora/Costello, D-Red Bud) : The bill raises the maximum speed limit on all toll highways under the jurisdiction of the Illinois Toll Highway Authority from 65 mph to 70 mph (consistent with the speed limit currently on Illinois Interstate Highways). **The Governor vetoed the bill citing public safety concerns.**

SB 2583 – Sign & Drive (Noland, D-Elgin/D'Amico, D-Chicago): The legislation removes the bond requirement for minor traffic violations (drivers would no longer be required to surrender drivers licenses as bail). Instead a driver would be required to sign a waiver promising to appear in court or to pay a fine instead of handing over identification.

Public Act 98-0870

SB 2612 – Sales Tax Sourcing (Kotowski, D-Park Ridge/Currie, D-Chicago): Provides some clarity regarding the location where a retail sale is deemed to have taken place in the case of: over the counter sales; sales of food, beverages, and other tangible personal property through a vending machine; and sales of minerals. Creates a 13 member Use and Occupation Tax Reform Task Force to study modernizing state and local use and occupation taxes in Illinois, including the possible conversion to a destination-based taxing regime.

Public Act 98-1098



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SB 2727 – Ban of Microbeads Products (Steans, D-Chicago/Andrade, D-Chicago): Illinois becomes the first state to issue a complete ban on the sale of products containing synthetic plastic microbeads as of December 31, 2019. The phasedown is intended to provide the affected industries with time to develop and utilize alternative products.

Public Act 98-0638

SB 2928 – Disposal of Pharmaceuticals/Controlled Substances (Link, D-Waukegan/Osmond, R-Gurnee): Expands upon current law to permit law enforcement agencies to store pharmaceuticals and controlled substances to be incinerated. Currently, agencies may only collect and transport pharmaceuticals from residential sources to a site or facility permitted by the Illinois Environmental Protection Agency.

Public Act 98-0857

SB 2958 – Medication Aide Pilot Program (Steans, D-Chicago/Feigenholtz, D-Chicago): The bill establishes a three-year pilot program and creates the new state license/certification of “medication aides,” who may administer medication under the supervision of a registered nurse (and other specific requirements) at one of ten participating skilled nursing homes. The DuPage Convalescent Center, a 360 bed skilled nursing/rehabilitation facility, supports the pilot program and would like to be considered as one of the (10) pilot locations as it would permit nurses to focus more time on direct patient care.

Public Act 98-0990

SB 2966 – Urban Flooding Awareness Act (Steans, D-Chicago/Cassidy, D-Chicago): Requires the Illinois Department of Natural Resources (IDNR) in consultation with many state and local agencies, to review the current status of stormwater management practices statewide and to evaluate the latest available research, laws, regulations, policies, and procedures concerning issues of urban flooding. Requires IDNR to report back to the General Assembly as to how Illinois can update its laws and programs to be more in step with what is occurring at the national level.

Public Act 98-0858

SB 3294 – Local Government Recycling Bins (McConnaughay, R-South Elgin/Welch, D-Westchester): Amends the Counties Code and the Municipal Code to provide that a county or municipality may by ordinance require that all household goods recycling bins have a permanent, written, printed label affixed to the bin that is prominently displayed and that includes the name, address, and contact information of the person or entity owning, operating, or maintaining that bin and whether the entity is a not-for-profit or profit entity.

Public Act 98-1116



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SB 3312 – Charitable Poker Runs (Forby, D-Benton/Brauer, R-Springfield): Permits Counties to establish a system for the licensure of charitable poker runs (similar to raffles) under the County Clerk's Office. In poker runs, participants travel to five locations drawing a card from a deck at each location that becomes the basis for the participant's poker hand. The events are often used as fundraising devices for charitable causes.

Public Act 98-0644

SB 3387 – Fox Valley Park District (McConnaughay, R-South Elgin/Kifowit, D-Aurora): The legislation reorganizes the Fox Valley Park District Board from an appointed to an elected board (DuPage County currently appoints one member and Kane County appoints six members) beginning in 2017 and proposes that 7 commissioners be elected for 4 year terms from (3) two-member districts plus 1 commissioner elected at large. Sets forth the specific boundaries of the districts.

Public Act 98-0772

SB 3411 – Ban on Ticket Quotas (Manar, D-Staunton/Hoffman, D-Belleville): Prohibits the use of ticket quotas by police departments in Illinois including state, county and municipal law enforcement agencies. Also provides that agencies may not evaluate an officer's performance based on the number of citations issued.

Public Act 98-0650

SB 3447 – Withholding of County Gas Tax Dollars (Noland, D-Elgin/Crespo, D-Streamwood): Provides that the Illinois Department of Revenue shall automatically withhold from the collection of the county motor fuel tax proceeds (DuPage, Kane & McHenry Counties) 2% of all monies collected for state administrative costs (presently the Department may not exceed 2%) regardless of actual costs. In 2013, this amount totaled \$636,596 or roughly the equivalent of 5 to 6 full-time IDOR staff dedicated just to the collection of a four cent county gas tax from three counties when Department personnel are already collecting a state motor fuel tax and a state sales tax on the purchase of motor fuel at the same locations. The State Auditor General has requested an accounting of personnel required to perform this collection duty that has yet to be received. DuPage County does not object to the Department withholding a reasonable fee for actual administrative costs but not at the expense of dollars collected on behalf of county citizens who supported a referendum to impose a county gas tax to fund local transportation projects.

Public Act 98-1049

SB 3552 – Removal of County Appointees (Morrison, D-Deerfield/Yingling, D-Hainesville): A Lake County Initiative, the bill authorizes a county board by ordinance to adopt a code of conduct regarding the fiscal and ethical conduct of county appointees. Provides that the appointing authority; either the county board chairman, county executive, or county board, may remove an appointee from office by a 2/3 majority vote for violating the code of conduct after providing reasonable notice and a public hearing.

Public Act 98-0779



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House Joint Resolution Constitutional Amendment 1 – Crime Victims’ Rights: The proposal will appear on the November ballot that asks voters to approve a Bill of Rights for Crime Victims under the State Constitution.

House Joint Resolution Constitutional Amendment 52 – Voting Rights: The proposal will appear on the November ballot that asks voters to add a provision to the State Constitution that provides that no person shall be denied the right to register to vote or to cast a ballot in an election based on race, color, ethnicity, national origin, religion, status as a member of a language minority, sex, sexual orientation, or income.

Budget:

County Probation: An additional \$40 million was added to fund/reimburse the cost of County Probation services however the transfer of the Cook County Juvenile Detention Center to the Chief Judge’s (state) budget will cost an estimated \$15 to \$20 million of this amount. To date, DuPage County expects to receive an estimated \$600,000 annually in additional probation funding.

Transportation Infrastructure: HB 3794 authorizes an additional \$1.1 billion in road and bridge improvement projects statewide. Of this amount, \$100 million is specifically set aside for local road repair projects.



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Issues not resolved by the General Assembly during the spring session may be addressed during the fall veto session (that begins on November 19) and include an extension of the Temporary Income Tax, an expansion of gaming, and municipal police and firefighter pension reform measures in addition to the Governor's 11 vetoes.

Below is a list of bills of interest **not adopted** by the General Assembly this spring.

Bills Not Adopted:

HB 924 - Responsible Bidder Requirements (Hoffman, D-Belleville/Harmon, D-Oak Park): Senate Amendment #1 filed to the bill would create the Illinois Responsible Bidder on Public Works Projects Act to require the State and all political subdivisions to award all public works contracts to "responsible bidders;" defined as contractors that demonstrate participation within a federally approved apprenticeship and training program which could be cost prohibitive and burdensome for smaller contractors.

HB 1154 - Cook County Pension Reform (Madigan, D-Chicago/Raoul, D-Chicago): Although the Senate adopted the legislation to stabilize the Cook County and Cook County Forest Preserve pension systems, the House adjourned before voting on the proposal.

HB 3251 - Moratorium on New Governments (Franks, D-Woodstock/Link, D-Waukegan): An extension of DuPage County's Consolidation (ACT) Initiative, the legislation (as amended) establishes a four year moratorium on the creation of any new unit of local government by the General Assembly.

HB 3664 – Public Body Severance Agreements (Kosel, R-Mokena/Althoff, R-McHenry): As introduced, the bill provides that a severance agreement funded in whole or in part by public monies or that releases a claim against a public body, cannot impose any conditions on any party to keep allegations, evidence, settlement amounts or any other information confidential except what is already permitted under FOIA, or as necessary to protect a trade secret or proprietary information.

HB 3898 – IMRF 13th Payment (Conroy, D-Elmhurst): House Amendment #1 would eliminate the 13th payment for all present and future annuitants of the Illinois Municipal Retirement Fund (IMRF) system effective January 1, 2015. According to IMRF, this payment is a form of deferred compensation intended to offset inflation. DuPage County is the single largest IMRF employer.

HB 4288/SB 2907 – Water Rate Protection Act (Welch, D-Westchester/Landek, D-Bridgeview): Although specific language was never filed, the legislation, proposed by the Suburban Water Task Force, a sub-group established by the West Central Municipal Conference, sought to create an entity similar to the Citizens Utility Board to regulate the allocation, cost, and delivery of Lake Michigan water. Currently, the DuPage Water Commission is the City of Chicago's largest customer (10% of all sales).



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HB 4572/SB 2967 – Comptroller Mandate (Franks, D-Woodstock/Manar, D-Staunton): Provides that on or before June 1, 2015, the county code and all ordinances and regulations adopted by the county board shall be provided by the county clerk to the Office of the State Comptroller in an electronic format designated by the Comptroller. Provides that beginning October 15, 2015, updated information shall be provided on a quarterly basis.

HB 4599/SB 3431 – EPA-Coal Tar Ban (Fine, D-Glenview/Cullerton, T., D-Villa Park): Provides that on and after January 1, 2015, no person may knowingly cause or allow the sale at wholesale or retail of a coal tar sealant product and on and after July 1, 2016, prohibits the use of coal tar sealant in Illinois. Authorizes cities and counties to adopt ordinances to enforce this ban.

HB 5311 – Township PTELL Freeze (McSweeney, R-Cary/McConnaughay, R-South Elgin): Creates a Township Property Tax Extension Freeze for the 2014 levy year for certain townships with a population of 100,000 or less located in a county that is subject to the Property Tax Extension Limitation Law (PTELL).

HB 5485 – Mandatory Firefighter Staffing Requirements (Mayfield, D-Waukegan/Mulroe, D-Chicago): As introduced, the legislation mandates that arbitration decisions with regard to firefighters and fire district paramedics would be limited to wages, hours and conditions of employment.

HB 5819 - Collar County Economic Development Task Force (Senger, R-Naperville/Manar, D-Staunton): As amended, the bill establishes the Illinois Collar County Economic Development Task Force to identify issues of importance to the job climate in the collar counties including (but not limited to) transportation, workforce skills, state regulation and tax policy and to issue a report by January 1, 2016.

HB 5989 – Uniform Fiscal Year (Conroy, D-Elmhurst): Amends a number of Acts and Codes to provide that beginning in 2016, the entities created under those Acts and Codes shall adopt a uniform fiscal year beginning on July 1 (the state's fiscal year) and ending on June 30. If enacted, the bill would change the current fiscal year for the DuPage Airport Authority, DuPage Emergency Telephone System Board (ETSB), Forest Preserve, the DuPage Water Commission, sanitary and mosquito districts among other units of local government.

HB 6010 – Obama Presidential Library (Madigan, D-Chicago): Appropriates \$100 million in State dollars/capital funding to support the construction of the future Obama Presidential Library & Museum (should it be sited in Illinois).

SB 508 – Hotel-Motel Tax Usage (Cullerton, T., D-Villa Park): Several amendments were filed that would have permitted non-home rule municipalities to utilize hotel-motel tax revenues collected for economic development or capital infrastructure purposes.



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SB 2610 – RTA Discretionary Funds (Cullerton, T. D-Villa Park): Senate Amendment #1 provides that discretionary funds distributed by the RTA to the Service Boards, shall follow the normal distribution formula to the CTA, Metra and Pace.

SB 2674 – Surcharge Funds - Poison Control (Harmon, D-Oak Park/Madigan, D-Chicago): As introduced, the legislation transferred a portion of the Wireless Emergency Telephone System surcharge that funds the operations of local ETSBs to the Illinois Poison Control Center.

SB 2758 – Retirement Planning for Private Sector Employees (Biss, D-Skokie/Currie, D-Chicago): The Senate (but not the House) approved this legislation establishing the Illinois Secure Choice Savings Plan that would provide retirement planning for employees in private sector jobs who do not have access to a retirement plan through an employer.

SB 2902 – Administrative Transfer of WIA programs (Jacobs, D-Moline): The bill transfers Workforce Investment Act related programs from the Illinois Department of Commerce and Economic Opportunity to the newly created Department of Workforce Development (previously the Illinois Department of Employment Security).