



# DUPAGE COUNTY

2017 STATE LEGISLATIVE UPDATE



## DuPage County Board Chairman

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## Legislative Update - March 21, 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 619 – FOIA Exemption for County Jails** (Walsh, D-Joliet/Haine, D-Alton): Amends the Freedom of Information Act. Exempts 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 before the Senate Committee on Assignments.

**HB 792/HB 3135 – Extend Local Government Reduction & Efficiency Act statewide** (Demmer, R-Rochelle/Yingling, D-Grayslake): Amends the Counties Code. Provides that the Local Government Reduction and Efficiency Division of the Counties Code applies to all counties (currently, only applies to DuPage, Lake, and McHenry Counties). Authorizes counties to dissolve a limited number of county appointed governmental bodies after an extensive public process.

**Status:** House bill 792 is scheduled for a hearing before the House Counties & Township Committee on March 23 and House bill 3135 is scheduled for a hearing before the House Government Consolidation & Modernization Committee on March 21.

**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 before the Senate Committee on Assignments. SB 868 is on the order of third reading in the Senate.

**HB 3006 – Website Publication requirements** (Riley, D-Hazel Crest): Amends the Freedom of Information Act. Provides that a unit of local government or school district with annual operating expenditures of more than \$1 million for 2 consecutive years that has a website maintained by the full-time staff of the public body shall post to that website specified information. Provides that a public record is considered published on the public body's website even if it is hosted on a website that is maintained by another governmental entity if a hyperlink to the public record is provided on the public body's website. The legislation represents a compromise that is less costly for units of local government and school districts to comply with than other pending proposals before the General Assembly.

**Status:** The bill was adopted by the State Government Administration Committee and is on the order of second reading in the House.

**SB 1559/HB 3391 – Medicaid Reimbursement Rates** (Steans, D-Chicago/Welch, D-Westchester): Changes the methodology for the reimbursement of care received by Medicaid recipients in long-term care facilities to recognize staffing levels relative to resident acuity (level of care) provided. Actual staffing and wages paid are not currently accounted for in the calculation of Medicaid reimbursement rates. Sets forth the calculation of facility specific rates based on the nursing component and each facility's total per resident per day staffing wage costs. Industry reports indicate better staffing has been tied to better quality thus this proposed methodology ties scarce Medicaid dollars to better quality and outcomes. The DuPage Convalescent Center currently cares for over 330 residents, 79% of whom are Medicaid recipients. Typical Convalescent Center residents often present with higher acuity, needing more extensive treatment and a higher level of direct nursing assistance.

**Status:** The Senate bill is before the Senate Public Health Committee and the House bill is assigned to the House Executive Committee.

**SB 1592 – Consolidation of County Clerk & DuPage Election Commission** (Harmon, D-Oak Park): 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, the transfer of records, procurement of supplies, hiring of personnel, and legal representation. Requires a county board of election commissioners to hold public meetings in accordance with the Open Meetings Act and requires the retention of records and audits.

**Status:** The bill was adopted by the Senate Executive Committee and is on the order of second reading in the Senate.

**SB 1799 – Processing of Juvenile Offenders** (Mulroe, D-Chicago): Amends the Juvenile Court Act of 1987. Provides 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 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



**(Support Continued):**

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.

**Status:** The bill was adopted by the Senate Criminal Law Committee and is on the order of second reading in the Senate.

**Oppose:**

**HB 678 – Processing of Juvenile Offenders** (Gabel, D-Evanston): Provides that an alleged juvenile delinquent must be brought before a judicial officer within 24 hours (rather than 40 hours excluding weekends and holidays) to determine further custody and that an initial detention hearing shall be no later than the morning after the juvenile arrived in placement, including weekends and holidays (does not allow a video transmission option). Provides that the minor must be released from custody at the expiration of the 24-hour period if the minor is not brought before a judicial officer within that period. As DuPage County does not operate a juvenile detention facility and has an agreement with Kane County to care for juvenile offenders, this legislation would impose a significant unfunded mandate on counties that have regional agreements as it does not permit hearings by two-way audio visual communication.

**Status:** The bill is scheduled for a hearing before the House Judiciary-Criminal Committee on March 21.

**HB 2824/SB 1882 – Animal Welfare/Microchipping & Regulation of Pet Stores** (Costello, D-Red Bud/Hastings, D-Frankfort): The legislation prohibits pet stores and dealers from acquiring dogs and cats from sources that are not licensed by the USDA or are not in good standing. Also requires pet stores to microchip all dogs sold. Preempts home rule authority, thus preventing Cook County and home rule municipalities from enacting local ordinances with stronger provisions. According to staff at DuPage County Animal Care and Control (DCACC), commercial breeder inspection reports have been removed from the USDA website and may only be viewed by submitting a FOIA request. You are also unable to navigate the website unless you have the correct breeder's name, address, and license number. Even if it can be determined that a commercial breeder does not have any violations on record, this does not indicate that the basic needs of breeding dogs and cats have been met.

**Status:** The House bill is scheduled for a hearing before the House Business Licenses Subcommittee on March 22 and the Senate bill was adopted by the Senate Licensed Activities & Pensions Committee (the Senate sponsor stated he would hold the bill on second reading to continue negotiations).

**HB 2986 – Processing of Juvenile Offenders** (Slaughter, D-Chicago): Amends the Juvenile Court Act of 1987. Provides that minors shall be brought before a judicial officer within 40 hours, which includes Saturdays, Sundays, and court-designated holidays (rather than within 40 hours exclusive of Saturdays, Sundays, and court-designated holidays). Does not permit hearings by two-way audio visual communication.

**Status:** The bill is scheduled for a hearing before the House Judiciary-Criminal Committee on March 21.



### **Monitor:**

**HB 2591 – Reform of Court Fee/Fine Assessment Process** (Andersson, R-Geneva): House Committee Amendment #1 filed to the bill includes the final recommendations from the Supreme Court Statutory Task Force on fees and fines that if adopted, would significantly alter how court fees and fines are assessed and distributed. DuPage County administers the second biggest court system in the state (18<sup>th</sup> Judicial Circuit) and is dependent on the collection of court fees and fines to help offset the rising costs of state imposed mandates and to fund numerous court supported agencies including the State’s Attorney’s Office, Circuit Court Clerk, Sheriff’s Office and Public Defender. DuPage County urges lawmakers to carefully consider this legislation and to ensure that counties are kept whole (financially) under any new fee distribution system.

**Status:** The bill is scheduled for a hearing before the House State Government Administration Committee on March 22.

**HB 3421 – Elimination of Monetary Bail** (Mitchell, C., D-Chicago): Abolishes monetary bail, except under the Uniform Criminal Extradition Act. Provides that the court may employ the use of a validated risk assessment tool in certain instances at pre-trial release hearings. Amends the Clerks of Court Act. Provides that on the first day of each month, the clerk of the court shall prepare and file with the Supreme Court a report of the pre-trial release hearings completed within the previous month. Provides that the clerk of court shall compile a quarterly report to be published for the public on the website of the Supreme Court and each circuit court's website, or if the circuit court does not have a website, on the website of the county. **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 is scheduled for a hearing before the House Judiciary-Criminal Committee on March 21.

**HB 3717 – Elimination of Monetary Bail** (Sims, D-Chicago): Amends the Code of Criminal Procedure of 1963. Abolishes monetary bail, except under the Uniform Criminal Extradition 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 is scheduled for a hearing before the House Judiciary-Criminal Committee on March 21.

**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 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 is on postponed consideration before the Senate Criminal Law Committee.

**SB 1289 – Economic Interest Statements** (McConchie, R-Lake Zurich): Authorizes the Secretary of State to institute an electronic statement of economic interest filing system and repeals a provision that established a separate form for persons required to file economic interest statements with county clerks.

**Status:** The bill was adopted by the Senate Government Reform Committee and is on the order of second reading in the Senate.



### (Monitor Continued)

**SB 1451 – Siting of Small Wireless Facilities** (Link, D-Waukegan): As introduced, the legislation provides that an authority (a unit of local government with control over rights-of-way) may not 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 and provides that a unit of government may not require applications for routine maintenance or replacement of wireless facilities with wireless facilities that are substantially similar, of the same size, or smaller. Requires authorities to allow the collocation of small wireless facilities on authority utility poles under specified circumstances and prohibits local governments from regulating the design, engineering, construction, installation, or operation of any small wireless facility in specified circumstances. Although the bill was adopted by committee last week, the sponsor has agreed to hold the legislation and to 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 second reading in the Senate.

**SB 1561 – Solid Waste Planning & Recycling Act** (Koehler, D-Peoria): As introduced, the bill amends the Solid Waste Planning and Recycling Act to provide that nothing in the Act shall be construed to permit a county with a population of less than 2,000,000 residents the power to regulate the operations of pollution control facilities or recycling centers. Concerns were raised in committee by counties that the legislation not place limits on local siting, delegation agreements or any power under the Illinois Environmental Protection Act. The sponsor agreed to an amendment to clarify the intent of the legislation that is to prevent counties from imposing separate/additional regulations onto pollution control and recycling facilities.

**Status:** The bill was adopted by the Senate Environment & Conservation Committee and is currently being held on the order of second reading in the Senate.

**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 every law enforcement agency that seizes property subject to reporting under the Act must report the specified information required on a monthly basis. Provides that the Act applies to provisions of law that authorize a law enforcement agency to seize property alleged to have been used in or derived from the commission of a criminal offense. 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 Funds 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 is on postponed consideration by the Senate Judiciary Committee.