



Legislative Update – April 9, 2019

DuPage County Board Chairman

Daniel J. Cronin

DuPage County Board Office

421 N. County Farm Rd., Wheaton, IL
(Phone) 630-407-6060 (Fax) 630-407-6001

www.dupageco.org

DuPage County Legislative Committee

Sam Tornatore, Chair	Sadia Covert
Tim Elliott, Vice-Chair	Brian Krajewski
Elizabeth Chaplin	James F. Zay

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 158 (DeLuca, D-Chicago Heights): Increase in LGDF Share - Amends the Illinois Income Tax Act to increase the amount of income tax proceeds received by county and municipal governments from the current 5.75% of total state income tax collections to 10% by February 1, 2023.

Status: The bill is on third reading in the House.

HB 2089 (Willis, D-Northlake): Sell of Excess Property to Bensenville: Requires the Department of Transportation, on behalf of the State of Illinois, to convey, by quitclaim deed, all right, title, and interest of the State of Illinois and the Department of Transportation in and to certain real estate to the Village of Bensenville.

Status: The bill is on third reading in the House.

HB 2845 (Conroy, D-Elmhurst): Medicaid Equity/Autism - Amends the Medical Assistance Article of the Illinois Public Aid Code. Provides that a Medicaid managed care plan amended, delivered, issued, or renewed after the effective date of the amendatory Act must provide individuals under 21 years of age coverage for the diagnosis of autism spectrum disorders and for the treatment of autism spectrum disorders to the extent that the diagnosis and treatment of autism spectrum disorders are not already covered by the Medicaid managed care plan. Provides that the coverage provided for the treatment of autism spectrum disorders shall not be subject to any limits on the number of visits to a service provider, but shall be subject to copayment, deductible, and coinsurance provisions of a Medicaid managed care plan to the extent that other medical services covered by the Medicaid managed care plan are subject to these provisions. Provides that the provisions of the amendatory Act shall not be construed as limiting benefits that are otherwise available to an individual under a Medicaid managed care plan and benefits provided under the amendatory Act may not be subject to dollar limits, deductibles, copayments, or coinsurance provisions that are less favorable to the insured than the dollar limits, deductibles, or coinsurance provisions that apply to physical illness generally.

Status: The bill is on second reading in the House.



(Support continued)

HB 3426 (Howard, D-Glen Ellyn): 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 before the Senate Committee on Assignments.

SB 29 (Bush, D-Grayslake): Green Energy Companies - Creates the Illinois Energy Transition Zone Act to provide for the certification by DCEO of municipal ordinances designating an area as an Energy Transition Zone and provides an Energy Transition Tax Credit to incentivize/foster job creation and the development of green energy. 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 is on second reading in the Senate.

SB 532 (Cullerton T., D-Villa Park) – Division of Local Government – Per Senate Floor Amendment #1, the legislation establishes a Division of Local Government Services within the Illinois Department of Commerce and Economic Opportunity (DCEO) to provide support and technical assistance to local governments; to assist with the study and implementation of shared service agreements, consolidation measures, and partnerships. Establishes an Advisory Coordination Committee to issue a draft plan within 90 days to create the Division and implement the duties of the legislation. Also requires the Division of Innovation and Technology to develop a data portal to provide technical assistance and information relevant to local units of government.

Status: The bill is on third reading in the Senate.

SB 1041 (DeWitte, R-West Dundee): Payment of Property Taxes – (As amended by Senate Amendments #1 and #2 - a DuPage Airport Authority Initiative negotiated with the County Treasurer), 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 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 is on third reading in the Senate.

SB 1114 (Bush, D-Grayslake): County Authority to Remove Hazards - A Lake County initiative, amends the Counties Code to provide that if a county finds that an imminent hazard to the public health or safety exists arising from an unfit condition which requires immediate action to protect the public health or safety, it may bring an action, without bond, for immediate injunctive relief, including causing the removal of unhealthy or unsafe accumulations or concentrations of the following: garbage; organic materials in an active state of



(Support continued):

decomposition, including, but not limited to, carcasses, food waste, or other spoiled or rotting materials; human or animal waste; debris; or other hazardous, noxious, or unhealthy substances or materials from a structure or property. Provides that a county may file a notice of lien for the cost and expense of actions taken.

Status: The bill is on third reading in the Senate.

SB 1215 (Cullerton, D-Villa Park/McSweeney, R-Cary): 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 Rules 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 assigned to the House Rules Committee. HB 3198 was adopted by the House by a vote of 95-15-1 and is before the Senate Committee on Assignments.

SB 1240 (Link, D-Waukegan): County Funds/Creates the Checkout Bag Tax Act - Imposes a tax of \$0.07 on each checkout bag used by a customer at a retail establishment in the State with the goal of reducing the number of plastic bags sent to landfills. Provides that the term "checkout bag" means a single use plastic, paper, or compostable bag provided by a retail establishment at the checkout, cash register, point of sale, or other point of departure to a customer for the purpose of transporting goods out of the retail establishment. Sets forth certain exception and provides that \$0.03 per bag be deposited into the Checkout Bag Tax Fund that would support specific environmental programs operated by counties and municipal joint action agencies. If adopted, DuPage County could expand the number and operating hours of electronic recycling locations, operate one day household hazardous waste sites, expand RxBox locations and environmental education programs, develop collection sites for CFL and fluorescent bulbs and propane tanks, reinstitute the latex paint program, establish foam container drop off sites, among other services.

Status: The bill is on second reading in the Senate.

SB 1580 (Curran, R-Downers Grove): Adult Business Regulation - Amends the Counties Code. Provides that a county may adopt an ordinance with reasonable regulations concerning the operation of any business 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 (rather than that offers or provides activities by employees, agents, or contractors of the business that involve exposure of specified anatomical areas or performance of specified sexual activities in view of any patron, client, or customer of the business). Provides if a county has established a licensing program as part of its regulation of



(Support continued):

adult entertainment facilities, the findings, decision, and orders of the licensing official or licensing body is subject to review in the circuit court of the county and that the Administrative Review Law apply to and govern the judicial review. Allows a county having a code hearing unit to enforce and prosecute violations of the adult entertainment facilities ordinance through its administrative adjudication program.

Status: SB 1580 is on third reading in the Senate.

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." (see attached Fact Sheet)

Status: The bill was adopted by the Senate by a vote of 50-0 and is assigned to the House Rules Committee.

SB 1852 (Curran, R-Downers Grove): 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 to all affected property owners and local government within 2,500 feet of the leak site.

Status: The bill is on second reading in the Senate.

SB 1854 (Curran, R-Downers Grove): 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 conducted by a third party chosen by the municipality in which the facility operates. 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 the testing shall be conducted by a third party chosen by the municipality in which the facility operates. Defines "fugitive emissions".

Status: The bill is on second reading in the Senate.

Oppose:

HB 2206 (Yingling-D, Round Lake Beach): Local Residential Inspections - Creates the Local Government Residential Inspection Limitation Act. Provides that except for a fire, medical, or police emergency or as otherwise permitted by specified provisions of the Fire Investigation Act, a unit of local government may not conduct a physical inspection of residential property without the voluntary consent of the owner or occupant of the property, a lawful warrant, or court order. Limits home rule powers.

The DuPage County State's Attorney's Office believes the legislation precludes units of local government from enforcing ordinances designed with public health and safety in mind, from the physical inspection of home day care centers to the inspection of failed septic systems (see attached letter from DuPage County State's Attorney Bob Berlin).

Status: The bill is on third reading in the House.



(Oppose continued):

HB 3317 (Yingling-D, Round Lake Beach): McHenry County Chairman – As currently drafted, the legislation applies to McHenry County only. Allows the county board to require the election of specified special district trustees that the board currently appoints. Grants the county board chairperson additional powers that include the ability to: eliminate advisory committees or commissions; create standing committees and appoint members; set county board or committee meeting agendas; reduce or veto any appropriations; hire independent legal counsel or a parliamentarian or both; approve all appropriation expenditures before they are paid; and reduce or divert moneys from a county fund with assets exceeding 150% of the previous year's expenditures on a ratable basis to taxpayers. **Terminates the office of county recorder and the office of the county auditor (in McHenry County only)**. Requires the county board to appoint a nationally recognized public accounting firm to perform the auditor's former duties and authorizes the county board to appoint an inspector general to investigate waste, fraud, and abuse.

House Amendment #1, that has been filed to the bill (but not yet adopted), would delete the entire text of the bill and establish May 2nd of each year as McHenry County Appreciation Day.

Status: The bill is on second reading in the House.

Other Issues:

SB 1609/HB 2046 (Sims, D-Chicago/Evans, 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.

Status: SB 1609 was adopted by the Senate by a vote of 31-18 and is before the House Rules Committee. HB 2046 is being held on second reading in the House.

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



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(Other issues continued):

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.

Status: The bill was adopted by the House by a vote of 106-0 and is before the Senate Committee on Assignments.