



DUPAGE COUNTY



2021 STATE LEGISLATIVE UPDATE

DuPage County Board Chairman

Daniel J. Cronin

421 N. County Farm Rd., Wheaton, IL
(Phone) 630-407-6023 (Fax) 630-407-6001

www.dupageco.org

DuPage County Legislative Committee

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Legislative Update Week of May 3, 2021

This document highlights bills of interest to DuPage County Government that are still *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 270 (Moeller, D-Elgin/Belt, D-East St. Louis): Sidewalk Construction – requires IDOT to solely fund the cost of bicycle and pedestrian ways (sidewalks) in or within one mile of an urban area in conjunction with the construction, reconstruction, or other change of any state transportation facility. It is estimated that only 32% of state roads have sidewalks on both sides of the street. Pedestrian deaths have also increased by 50% in recent years.

Status: The bill was adopted by the House by a vote of 104-04 and is before the Senate Committee on Transportation.

HB 572 (Carroll, D-Northbrook/Holmes, D-Aurora): Prohibit Financing of Pet Adoptions - amends the Sales Finance Agency Act to provide that a sales finance agency shall not finance, enter into a retail installment contract, or make a loan for the purchase of a canine or feline. Provides that if a sales finance agency violates these provisions, the financing, retail installment contract, or loan shall be null and void and the sales finance agency shall have no right to collect, receive, or retain any principal, interest, or charges related to the loan, retail installment contract, or financing. Unfortunately, DuPage County Animal Services has witnessed countless examples of families borrowing significant funds at extremely high interest rates to purchase an animal, only to have to surrender the animal later due to illness or high medical expenses related to the sourcing of the animal (from a puppy mill).

Status: The bill was adopted by the House by a vote of 108-0 and is before the Senate Committee on Assignments. (see attached fact sheet for additional information)

HB 633/SB 170 (Harper, D-Chicago/Koehler, D-Peoria): Vegetable Garden Protection - creates the Vegetable Garden Protection Act. Provides for the right to cultivate a vegetable garden and permits state and local regulation on height, setbacks, water use, fertilizer use or control of invasive species if the effect does not preclude gardens. Defines "vegetable garden" and limits home rule powers.

Status: HB 633 was adopted by the House by a vote of 92-24 and SB 170 was adopted by the



(Support continued):

Senate by a vote of 52-4. Both bills will now be considered by the opposite chamber.

HB 813 (Gabel, D-Evanston/Murphy, D-Des Plaines): Grade Crossing Protection – authorizes the Illinois Commerce Commission to enter into agreements with rail carriers or public authorities to fund, provide, install, and maintain safety treatments to deter trespassing on railroad property, at locations approved by the rail carrier following a diagnostic evaluation. The costs of treatments, installation, and maintenance shall come from the Grade Crossing Protection Fund. The legislation expands the physical location for projects to address rail safety hazards and railroad trespassing, specifically, suicide safety concerns.

Status: The bill was adopted by the House by a vote of 117-0 and is before the Senate Committee on Assignments.

HB 1711 (Chesney, R-Freeport/Castro, D-Elgin): Sourcing of Animals - amends the Animal Welfare Act to provide that a pet shop operator may offer for sale at retail to the public a dog or cat only if the dog or cat is obtained from an animal control facility or animal shelter, located in-state or out-of-state that is in compliance with provisions contained in the legislation. Provides that an animal control facility or animal shelter that supplies dogs or cats to pet shop operators to be offered for sale shall not be a dog breeder or a cat breeder or obtain dogs or cats from a dog breeder, a cat breeder, a person who resells dogs or cats from a breeder, or a person who sells dogs or cats at auction in exchange for payment or compensation. Defines the term "offer for sale" and modifies the definitions of "pet shop operator" and "animal shelter" among other requirements. Effective 180 days after becoming law.

(see attached fact sheet for additional information)

Status: The bill was adopted by the House by a vote of 76-24-2 and is before the Senate Committee on Assignments.

HB 2775 (Ford, D-Chicago/Villivalam, D-Chicago): Emergency Housing Assistance – amends the Illinois Human Rights Act. Defines "source of income" to provide that if a landlord requires that a prospective tenant or current tenant have a certain threshold level of income, the landlord shall subtract any source of income in the form of a rent voucher or subsidy from the total of the monthly rent prior to calculating if the income criteria have been met. Provides that a landlord shall not apply an income or asset requirement to a tenant with a non-wage source of income that the landlord does not apply to all tenants. The legislation seeks to prevent landlords from refusing to rent to tenants participating in the federal Housing Choice Voucher program and other emergency rental assistance programs.

Status: The bill was adopted by the House by a vote of 62-48-2 and is before the Senate Committee on Assignments.

HB 2950 (Morgan, D-Highwood/Morrison, D-Highwood): Expanded use of MFT dollars - amends the Counties Code to provide that, in the counties of DuPage, Kane, Lake, Will, and McHenry, proceeds from the County Motor Fuel Tax Law may also be used for operating, constructing, improving, and acquiring land for shared-use paths for nonvehicular public travel, sidewalks, and bike paths. Amends the Illinois Highway Code to also provide that "highway" includes shared-use paths for nonvehicular public travel, sidewalks, and bike paths. Provides



(Support continued):

that any county may acquire property for the construction, maintenance, or operation of any shared-use path for nonvehicular public travel, sidewalk, or bike path within the county. Provides that the county board of a county with a population over 500,000 may also use state motor fuel tax funds allotted for the construction and maintenance of shared-use paths for nonvehicular public travel, sidewalks, and bike paths. If adopted, this measure would assist the county in the construction of non-motorized infrastructure projects including the East Branch DuPage River Trail.

Status: The bill was adopted by the House by a vote of 90-23-1 and is before the Senate Committee on Assignments.

HB 3289 (Walsh, D-Joliet/Connor, D-Crest Hill): Automatic Renewal of Homestead

Exemptions – provides that the county’s chief assessment officer may automatically renew homestead exemptions for the 2021 taxable year (without an application) under certain criteria for three exemption programs; senior citizens assessment freeze; homestead exemptions for persons with disabilities and veterans with disabilities. Also permits the county assessor to perform any audits required to verify a taxpayer is eligible to continue to receive an exemption. Last year, the county’s assessor’s office approved 18,000 applications for the senior citizen exemption, 2,500 for persons with disabilities, and 1,800 for veterans. Automatic renewal of these exemptions would prevent a large number of seniors and disabled individuals from having to travel in person to the county administration building (especially as we continue to fight the spread of COVID-19) to complete what can be burdensome paperwork.

Status: The bill was adopted by the House by a vote of 112-0 and is before the Senate Committee on Assignments.

HB 3372 (Didech, D-Buffalo Grove/Johnson, D-Gurnee): U.S. Flag Half Staff - amends the Flag Display Act. Establishes a procedure and the occasions in which the United States national flag shall be flown at half-staff. Defines "half-staff" per the U.S. Flag Code. In April of 2020, Governor Pritzker directed that all flags in Illinois be lowered to half-staff to honor the victims of COVID-19 (the Governor ended this period and returned the flags to full-staff as of April 17, 2021).

Status: The bill was adopted by the House by a vote of 113-0 and is before the Senate Committee on Assignments.

SB 2068 (Feigenholtz, D-Chicago): Nurse Licensure Compact – the legislation permits the issuance of multistate licenses that allow nurses to practice in their home state and other compact states. Thirty-four other states are members of this compact that still preserves Illinois’ authority to set its own licensure standards for nurses. According to recent news reports, over half of current registered nurses and 45% of licensed practical nurses are nearing retirement age. The DuPage Care Center, the county’s nursing home that cares for over 300 residents, is currently experiencing a significant nurse shortage.

Status: The bill is on the order of third reading in the Senate (the deadline has been extended until May 7).



Oppose:

HB 2379 (Walsh, D-Joliet/Jones, D-Chicago): Extension of the Small Wireless Facilities Deployment Act – as introduced, extends this Act beyond its original sunset date of June 1, 2021 until December 31, 2026 (House Floor Amendment #1 that was adopted to the bill reduced the sunset date to December 31, 2023). This Act limits the authority of municipalities and counties beyond the Federal Communications Commission (FCC) Order, to site small cell devices in accordance with local zoning and aesthetic guidelines.

Status: The bill was adopted by the House by a vote of 91-17-3 and is before the Senate Committee on Assignments.

SB 643 (Murphy, D-Des Plaines): Takeover of Local Health Departments – amends the Illinois Emergency Management Agency Act to provide that during a proclamation by the Governor declaring a statewide disaster, impacting every county in the state, all 97 local (county) health departments shall report to and be directed by, the Illinois Department of Public Health.

Status: The bill is on the order of postponed consideration before the Senate Executive Committee and the deadline was extended until May 7.

Other Issues:

- **Protect County Revenues:** The Governor’s proposed FY2022 budget includes an additional 10% reduction in the amount of state income tax dollars shared with county and municipal governments under the Local Government Distributive Fund (LGDF). Since 2017, the General Assembly has reduced payments from the original 10% share of proceeds to an estimated 6% of income tax collections. As local governments continue to respond to the COVID-19 pandemic, it is critical that counties continue to receive this source of funding (see attached fact sheet from ISACo).
- **Reapportionment:** With the recent announcement that the U.S. Census will not be sharing with states and local governments the census data required to redraw legislative and county board district boundaries until September, county boards will be unable to meet the current statutory deadline of July 1 to redraw county board districts. The General Assembly should consider either moving candidate filing deadlines or make some other type of accommodation to ensure counties can comply with this statutory deadline and that accurate population data is utilized during the reapportionment process.
- **Extension of the Emergency Telephone System Act** - the Act and the \$1.50 per line surcharge that supports local 9-1-1 operations expires as of December 31, 2021. The Statewide 9-1-1 Advisory Board is working with all parties to develop legislation to extend the Act until December 31, 2023 and to also establish a statewide next generation 9-1-1 network.



(Other Issues continued):

- **Medicaid Coverage of ABA Therapy:** On April 27, the DuPage County Board adopted CB-R-0257-21, a Resolution in support of Medicaid coverage of applied behavior analysis (ABA) therapy for children with autism. Per Public Act 101-0007 adopted by the General Assembly in 2019, \$42 million was appropriated to cover the cost of this program. However, the rules promulgated by the Illinois Department of Healthcare and Family Services (IHFS) placed a dual certification requirement on the estimated 4,000 Board Certified Behavior Analysts (in order to deliver this therapy) to also be licensed as either a licensed Social Worker or Clinical Psychologist, of which there are an estimated 18 such providers in the state, thus preventing access to this therapy to low-income autistic children on Medicaid (a benefit provided by private insurance).

House Bill 16, sponsored by Rep. Conroy, would have ensured this therapy was available to low-income families on Medicaid however the bill failed to pass out of committee. DuPage County encourages the Governor's Office and IHFS to lift this dual requirement on Board Certified Behavior Analysts and to provide access to this critical therapy to low-income children as is required under private insurance.



PROHIBIT FINANCING AND SOURCING OF ANIMALS FROM PUPPY MILLS



House Bill 572

Protect consumers from high financing costs of pet purchases

Background:

A bill to protect consumers, purchasing animals at pet stores, from being a victim of predatory lending. Unfortunately, DuPage County Animal Services has witnessed numerous examples of people borrowing significant sums of money, at interest rates as high as 144 percent. Often the animals are purchased on impulse, only to surrender the animal later due to illness, unaffordable medical costs, or behavioral issues related to the sourcing of the animal (from a puppy mill).

House Bill 572 provides that a sales finance agency (often owned/in partnership with a pet store) shall not finance, enter into a retail installment contract, or make a loan for the purchase of a canine or feline. Should a sales finance agency violate these provisions, the financing, retail installment contract, or loan shall be null and void and the sales finance agency shall have no right to collect, receive, or retain any principal, interest, or charges related to the loan, retail installment contract, or financing.

House Bill 1711

Ban puppy mills

Background:

A puppy mill is an inhumane (high-volume) dog breeding facility that ignores the needs of puppies and their mothers. Often due to poor sanitation and inadequate veterinary care, animals bred from puppy mills suffer from a variety of health issues and behavioral problems due to a lack of socialization. Unfortunately, the majority of puppies sold in U.S. pet stores (an estimated 2 million annually) originate from puppy mills.

Many of these animals end up being surrendered to shelters due to high medical bills and because the animal is no longer wanted as a result of behavior issues. Significant County resources are needed in order to help these animals be adopted.

House Bill 1711 provides for the humane sourcing of animals in Illinois by requiring pet shop owners to offer for sale, a dog or cat, only if the dog or cat is obtained from an animal control facility or animal shelter.

ISACo POLICY BRIEF

The Local Government Distributive Fund (LGDF)

OVERVIEW

The Local Government Distributive Fund (LGDF) was established in 1969 as part of the then newly-enacted state income tax. Counties and municipalities are allocated a percentage of the total state income tax revenues through this fund. The local share is distributed on a per capita basis. LGDF revenue is an important funding source for local governments and is a successful partnership between the state and eligible local governments.

Historical Trends for the Local Share

Until January 2011, counties and municipalities received 10% of total state income tax revenues through LGDF. Following a temporary increase in state income tax rates in 2011, the percentage of tax revenue allocated to LGDF for distribution to local counties and municipalities declined to 6%.

Although the state decreased the percentage of LGDF revenue shared with counties and municipalities, local governments continued to receive approximately the same dollar amount they had been receiving as a result of increased tax revenues brought about by the higher income tax rates.

In January 2015, the local share of the state income tax increased to 8% when the higher income tax rates declined according to a predetermined schedule established by law. Revenues distributed to counties and municipalities from LGDF remained about the same as the amount collected before the income tax rates declined.

The state income tax was permanently increased in 2017 and the local government share was reduced to 5.45% for individual income tax collections and 6.16% for corporate income tax collections for State Fiscal Year (SFY) 2018. The LGDF share was increased within the SFY 2021 state budget and is presently 6.06% for individual income tax collections and 6.845% for corporate income tax collections.

QUICK FACTS

- LGDF plays an important role in funding everyday essential local services for Illinois citizens.
- LGDF revenue is the result of a partnership between the state and local governments.
- Recent years have seen reductions to the percentage of income tax revenues allocated to local governments through LGDF.
- The state has kept for itself 100% of additional income tax revenue raised from higher tax rates.

