



Legislative Update

DUPAGE MAYORS AND MANAGERS CONFERENCE
1220 Oak Brook Road; Oak Brook, Illinois 60523-2203
630/571-0480 • 630/571-0484 – FAX

JANUARY 1, 2007

UPDATE #1-2007

This week we said good bye to the 94th General Assembly as it wrapped up its final three days of Veto Session. The 95th General Assembly was inaugurated on Wednesday, January 10. All pending legislation from the past two years is “dead,” including the county cigarette tax and various bills addressing the electricity rate increase. Both issues could be reconsidered during the 95th General Assembly. For more information on General Assembly session dates and any of the bills below, please contact Mark Baloga or consult the Illinois General Assembly’s website at www.ilga.gov.

VETO SESSION WRAP UP

Public Act 94-1072: Minimum Wage Increase

This compromise legislation increases the minimum wage from \$6.50 to \$7.50 per hour in July 2007 and adds an additional 25 cents per hour each year after that. It also creates a "training wage" allowing employers to pay teenagers fifty cents less than the minimum wage. Adult new hires could also receive 50 cents less during a 90-day probationary period. The wage is not indexed to inflation. The law sunsets in 2010, capping the wage at \$8.25 per hour.

SB 1453: Qualifications-based Selection of Design Consultants

The legislation amends the Local Government Professional Services Selection Act to provide that the initial evaluation procedure for units of local government (except home rule units) selecting architects, engineers, and land surveyors must be qualifications-based and that local governments may not seek compensation information prior to the negotiation stage of the selection process. **PASSED IN BOTH HOUSES.** This legislation is effective immediately upon the Governor's signature. The CONFERENCE OPPOSES because municipalities must be able to ascertain estimated design costs for architects, engineers, and land surveyors up front in order to protect taxpayers.

OTHER ACTIVITIES

DMMC 2007 Legislative Reception and Dinner

DuPage area legislators are our guests at DMMC's annual legislative event on Wednesday, January 17, 2007, at 5:30 p.m. at Hyatt Lisle. At this meeting, the Legislative Committee will present the Conference's 2007 Legislative Action Program for membership approval. The finalized document will serve as the basis for our work in the 2007 legislative session. Please register ASAP by contacting Mary Ann Jurevich at 630-571-0480.

DMMC Springfield Drive Down

The Conference’s annual visit to the State Capitol will be held on Tuesday, April 24 and Wednesday, April 25, 2007. Registration materials will be sent to members in early March.



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FEBRUARY 9, 2007

UPDATE #2-2007

Both Chambers returned to Springfield this week for their first substantial work this session. Both the House and Senate added a number of standing committees (at the time of this printing, Senate committee assignments have not yet been released). Today is the deadline for the introduction of substantive bills in the Senate, and there are still a few more weeks left for bill introduction in the House. The Governor signed several veto session bills since DMMC's last Legislative Update. For more information on General Assembly session dates, committee assignments, and any of the bills below, please contact DMMC Legislative Associate Michelle Kelm at (217) 725-2082 or consult the Illinois General Assembly's website at www.ilga.gov.

KEY LEGISLATION

HB 169: Public Water District Contracts (Osmond, R-Antioch)

This legislation states all contracts involving the expenditure of more than \$20,000 (now \$5,000) by a Public Water District for construction work for the purchase of certain equipment shall be entered into only after a published notice inviting bids. It also allows the general manager of the District to enter into certain emergency contracts without public advertisement. This bill passed out of the House Local Government Committee with a vote of 6-3-1 and is on Third Reading in the House.

HB 328: Threatening a Public Official (Rose, R-Mahomet)

This legislation includes a sworn law enforcement or peace officer in the definition of "public official". This bill unanimously passed out of the House Judiciary Criminal Committee. It is on Second Reading in the House.
CONFERENCE SUPPORTS.

HB 334: Annexation (Fortner, R-West Chicago)

This legislation allows for unincorporated territory containing 60 acres or less to be annexed by any municipality by which it is bounded if it is wholly bounded by one or more municipalities in DuPage and either (i) a utility right-of-way that is at least 100 feet wide or (ii) a railroad or operating property. It passed out of the House Local Government Committee unanimously and is currently in the House on Second Reading.
CONFERENCE SUPPORTS.

VETO SESSION LEGISLATION SIGNED BY THE GOVERNOR

Public Act 94-1080: Mobile Home Park Fire Safety Inspections

This legislation requires annual fire safety inspections of mobile home parks. The inspections would be conducted by municipal fire departments or local fire protection districts that have jurisdictional responsibility for responding to a fire call in the park. Those mobile home parks that do not have a private water supply system or hydrants are required to have any water supply agreement approved by the State Fire Marshal or licensing agency in consultation with the local fire department/protection district to ensure adequate water supply for fire mitigation. **Effective June 1, 2007.**

Public Act 94-1081: Emergency Operations Plan to Include Pets

The Illinois Emergency Management Act requires state and local governments to have emergency operations plans. This legislation amends the Act to require that emergency operations plans include the needs of those with pets and service animals. **Effective June 1, 2007.**

Public Act 94-1084: Paid Leave for Blood Donation

Current law allows an employee to take up to an hour of paid leave every 56 days to donate blood. This bill amends the Employee Blood Donation Leave Act to allow employees to take more than an hour's paid leave to give blood, if authorized by the employer or provided for in a collective bargaining agreement. **Effective June 1, 2007.**

Public Act 94-1097: Qualifications-based Selection of Design Consultants

The legislation amends the Local Government Professional Services Selection Act to provide that the initial evaluation procedure for units of local government (except home rule units) selecting architects, engineers, and land surveyors must be qualifications-based and that local governments may not seek compensation information prior to the negotiation stage of the selection process. CONFERENCE OPPOSED. **Effective immediately.**



Legislative Update

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FEBRUARY 16, 2007

UPDATE #3-2007

The 2007 session so far has seen little more than bill introductions and some committee activity, with bad weather leading to the cancellation of activities this week. This *Legislative Update* looks at the initiatives from other municipal groups. For more information, please contact DMMC Legislative Associate Michelle Kelm at (217) 725-2082 or consult the Illinois General Assembly's website at www.ilga.gov.

ILLINOIS MUNICIPAL LEAGUE

SB 227: Authority to Take Position on a Referendum (Althoff, R-McHenry)

Allows the corporate authorities of a unit of local government or school district explaining to communicate to the public a decision to place a public question on the ballot or to explain support of or opposition to a public question, without triggering a "prohibited political activity" or "election interference."

SB 447: Municipal Representation Before Local Pension Boards (Martinez, D-Chicago)

Allows a municipality, as the employer, to appear at a hearing involving officers or members of the police department and officers or members of the fire department, as a matter of right.

SB 689: Ten Year Municipal Loan Repayment Authority (Viverito, D-Chicago)

Allows municipalities to borrow money from any bank or financial institution, provided the money shall be repaid within ten years (now one year).

SB 1252: Property Tax Cap Exemption for Pension Costs (Clayborne, D-East St. Louis)

Exempts pension costs to be removed from property tax cap limitations.

SB 1576: Delinquent Local Taxes from Foreign Corporations (Noland, D-Elgin)

Revokes the authority of a foreign corporation to transact business in Illinois when the Secretary of State receives a copy of a memorandum for money owed to a unit of local government or school district.

HB 786: General Ordinance to Increase Fine Amounts (Durkin, R-Countryside)

Provides that a fine imposed by a municipality may not exceed \$1,000 (now \$750). *Assigned to House Executive Committee.*

NORTHWEST MUNICIPAL CONFERENCE

SB 382: Design Review Ordinances (Garrett, D-Highwood)

Adds a Division to the Municipal Code to allow municipalities to enact design review ordinances. (SB 382 is also an IML initiative.)

SB 500: Smoke Free Illinois (Cullerton, D-Chicago)

Creates the Smoke Free Illinois Act to prohibit smoking in public places. Also provides that a home rule unit may regulate smoking in public places, but that regulation must be no less restrictive than State statute.

SB 1475: Catastrophic Injury (Lightford, D-Chicago)

Defines "catastrophic injury" as a grievous or serious injury or impairment of a nature that is sufficient to permanently preclude the injured employee from performing any gainful work (SB 1475 is also an IML initiative).

HB 256: TIF for Transit Oriented Development (TOD) (Fortner, R-West Chicago)

Amends the TIF Act by defining "transit oriented developments" (TODs) and by adding the costs associated with TODs to the definition of "redevelopment project costs." *Assigned to House Revenue Committee.*

HB 552: Impound Fees (Froehlich, R-Schaumburg)

Allows any municipality to establish procedures for the release of properly impounded vehicles that were used in the commission of specified offenses and to impose a reasonable administrative fee related to the municipality's costs for removal, impoundment, storage, and release of the vehicle. *Assigned to House Local Government Committee.*

NAPERVILLE

SB 364 (Hultgren, R-Naperville) and HB 155/237 (Dunn, R-Naperville): Illinois Library Confidentiality Act

This amendment to the Illinois Library Confidentiality Act addresses libraries' disclosure of user information to police when there is an imminent danger to public safety. *HB 155 is assigned to House Jud. Civil Law Committee, HB 237 is assigned to House Local Government Committee.*

SB 420 (Hultgren, R-Naperville) and HB 183 (Dunn, R-Naperville): Open Meetings Act Amendment

These amendments to the Open Meetings Act address electronic meeting attendances issues to add "vacation" to the list of reasons a member of a public body may attend a meeting electronically (with a quorum being physically present) and to provide that email between members of a public body is not a violation of the Open Meetings Act. *HB 183 is assigned to House Executive Committee.*

OAK BROOK TERRACE

SB 736: Billboard Amortization

Provides that gradual elimination of nonconforming off-premises outdoor advertising signs over time, as permitted by the Illinois Municipal Code, shall be deemed "just compensation" under the Eminent Domain Act for signs compelled to be removed.



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FEBRUARY 27, 2007

UPDATE #4-2007

With the prior week's activities cancelled due to bad weather, legislators were especially busy last week with Committee activity. The Senate bill introduction deadline has passed, and the House deadline is today, Tuesday, February 27. For more information on the bills below or other legislative issues, you may contact DMMC Legislative Associate Michelle Kelm at (217) 725-2082 or consult the Illinois General Assembly's website at www.ilga.gov.

KEY BILLS

HB 1500: Cable and Video Competition Act (Brosnahan, D-Oak Lawn):

HB 1500 declares that the local franchise process creates a barrier to competition, and shifts municipal franchising authority to the ICC. The bill makes cuts to transmission of community programming and PEG funding, and has the major flaw of failing to require service to all residents. Home Rule is preempted. A hearing date in the House Telecommunications Committee is expected in the near future but not yet scheduled. CONFERENCE OPPOSES.

RECENT ACTIVITY

SB 41: Non Home Rule Sales Tax Expenditure Authority (Radogno, R-Lemont)

SB 41 amends the Illinois Municipal Code concerning non-home rule sales tax. It deletes the requirement that a municipality must spend the proceeds only on public infrastructure or property tax relief. This bill is in the Senate Local Government Committee. CONFERENCE SUPPORTS.

SB 113: Non-Home Rule Sales Tax Filing Dates (Syverson, R-Rockford)

SB 113 amends the Illinois Municipal Code concerning non-home rule sales tax. It allows a municipality to notify the Department of Revenue by May 1 (currently April 1) for a sales tax to be effective on July 1. As a result, local elections in April with a sales tax referendum will allow the sales tax to be effective on July 1 of the same year. The provision allowing notice by October 1 for a January 1 effective date is unchanged. This bill was approved by the Senate Local Government Committee and is currently on 2nd Reading in the Senate. CONFERENCE SUPPORTS.

HB 2 / HB 1134 / SB 1412: Chicago Metropolitan Agency for Planning (CMAP)

Several pieces of legislation affecting CMAP are under discussion in Springfield.

HB 2 (Bassi, R-Palatine) is "housekeeping" legislation addressing the name change and other technical matters. The bill is scheduled for hearing by the House Personnel and Pensions Committee on Friday, March 2 at 12:00 p.m. CONFERENCE SUPPORTS.

HB 1134 (Bassi, R-Palatine) and SB 1412 (Jacobs, D-Moline) make three significant changes to the Regional Planning Act: allows CMAP to set a mandatory annual fee for local governments, creates a review process for “projects of regional significance,” and prepares a recommendation on the re-designation of the MPO. CMAP has indicated that, if approved by committees, these bills are intended to be held on Second Reading until consensus on their content can be reached. However, the CONFERENCE OPPOSES the current language of these bills. HB 1134 is scheduled for hearing by the House Smart Growth and Regional Planning Committee on Wednesday, February 28, at 3:00 p.m.

An additional draft bill distributed by Representatives Bassi, Hamos, and Ryg would make significant changes in the authority and structure of CMAP – most of which the CONFERENCE OPPOSES.

HB 155/237: Illinois Library Confidentiality Act (Dunn, R-Naperville)

These amendments to the Illinois Library Confidentiality Act address libraries’ disclosure of user information to police when there is an imminent danger to public safety. HB 155 is in the House Civil Judiciary Committee. HB 237 was unanimously approved by the House Local Government Committee and is on 2nd Reading in the House. CONFERENCE SUPPORTS.

HB 166: Pregnant Police Officer (Osmond, R-Antioch)

HB 166 provides it is a civil rights violation for a public employer to refuse to temporarily transfer a pregnant female peace officer to a less strenuous or hazardous position for the duration of her pregnancy if she so requests, with the advice of her physician, where that transfer can be reasonably accommodated. HB166 is scheduled for a hearing in House Local Government Committee this week. CONFERENCE SUPPORTS.

HB 210: Open Meetings Act (Sacia, R-Freeport)

HB 210 prohibits a public body from voting on an item that was not included in the posted agenda, other than during a special meeting for a bona fide emergency. After discussions with staff from DMMC and IML, the sponsor had indicated that he does not intend to advance the bill. CONFERENCE OPPOSES.

HB 246: Smoke Free Illinois (Yarbrough, D-Broadview)

HB 246 establishes a state-wide prohibition on smoking in public places. It allows home rule municipalities to establish their own regulations if they are at least as restrictive as the state ban. This bill was approved by the House Environmental Health Committee with a vote of 9-0-3 and is currently on 2nd Reading in the House. CONFERENCE SUPPORTS.

HB 256: TIF for Transit Oriented Development (TOD) (Fortner, R-West Chicago)

HB 256 amends the TIF Act by defining “transit oriented developments” (TODs) and by adding the costs associated with TODs to the definition of “redevelopment project costs.” This bill was sent to the House Revenue Property Tax Subcommittee, and is scheduled for hearing on Friday, March 2 at 10:20 a.m. CONFERENCE SUPPORTS.

HB 511: Freedom of Information Act (Joyce, D-Chicago)

HB 511 requires FOIA disclosure of settlement agreements entered into by a public body. This bill is scheduled for hearing by the House State Government Committee on Thursday, March 1 at 2:00 p.m. CONFERENCE OPPOSES because the release of litigation settlement amounts severely compromises the ability of local governments to negotiate settlements of future litigation, leading to unnecessary expenditure of taxpayer dollars.

HB 552: Administrative Impound Fee (Froehlich, R-Schaumburg)

HB 552 allows any municipality to establish procedures for the release of properly impounded vehicles that were used in the commission of specified offenses and to impose a reasonable administrative fee related to the municipality's cost for removal, impoundment, storage, and release of the vehicle. This bill is scheduled for hearing in the House Local Government Committee on Thursday, March 1, at 2:00 p.m.
CONFERENCE SUPPORTS.

HB 573: Identity Protection (Munson, R-Elgin)

HB 573 creates the Identity Protection Act, which prohibits a State or local government agency from using an individual's social security number in certain ways. It also requires each State or local government agency to develop and implement an identity protection plan. Any intentional violation of the provisions of the Act is a Class B misdemeanor. The bill preempts home rule. HB 573 was held in committee to allow the sponsor to negotiate with the bill's opponents. It is scheduled for hearing in the House Judiciary I Committee on Thursday, March 1, at 8:00 a.m. CONFERENCE OPPOSES.

HB 577: Small Business Protection Act (Tryon, R-Crystal Lake)

HB 577 creates the Small Business Protection Act, which sets forth notice, comment, and hearing procedures that the State, a unit of local government, a school district, or a not-for-profit entity receiving governmental funding must follow before providing assistance to another such entity. HB 577 requires a hearing if a competing small business would lose market share because of the assistance. The bill preempts home rule powers and creates an exemption to the State Mandates Act. HB 577 is assigned to the House International Trade and Commerce Committee and is posted for a hearing on Thursday, March 1 at 4:00 p.m.
CONFERENCE OPPOSES.

HB 898: Municipal Census (Mathias, R – Arlington Heights)

HB 898 requires the Secretary of State to adjust its certified population numbers whenever a municipality conducts a partial census. This bill was unanimously approved by the House Local Government Committee and is currently on 2nd Reading in the House. CONFERENCE SUPPORTS.

HB 1050: Juvenile Detainment (Collins, D – Chicago)

HB 1050 provides that no minor under 17 years of age (now 12 years of age) shall be detained in a county jail or a municipal lockup for more than six hours. It also deletes a provision requiring a minor's confinement to be implemented so there is no contact with adult prisoners. This bill is to be heard on Thursday, March 1 in the House Juvenile Justice Committee.

HB 1841: Regional Transportation Authority Act Amendments (Hamos, D – Evanston)

HB 1841 amends the Regional Transportation Authority Act to provide more powers and responsibilities to the RTA. This legislation, filed in response to the findings of the Auditor General's review of the RTA and the three service boards, would significantly increase the ability of the RTA to effectively address fares, arbitrate disputes between service boards, and conduct financial audits, and gives the power to create a "Regional Transit Innovations Fund." It also requires the RTA to establish regional goals, objectives and performance standards for the service boards.



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MARCH 6, 2007

UPDATE #5-2007

The bill introduction deadlineS have passed. For more information on the bills below or other legislative issues, contact DMMC Legislative Associate Michelle Kelm at (217) 725-2082 or consult the Illinois General Assembly's website at www.ilga.gov.

KEY BILLS

HB 1500: Cable and Video Competition Act (Brosnahan, D-Oak Lawn):

HB 1500 declares that the local franchise process creates a barrier to competition, and shifts municipal franchising authority to the ICC. The bill makes cuts to transmission of community programming and PEG funding, and has the major flaw of failing to require service to all residents. Home Rule is preempted. CONFERENCE OPPOSES because in its current form, this bill would severely inhibit local ability to protect the public right of way, to protect residents' right to adequate customer service, and to protect the privacy of residents' personal information, among other concerns. A hearing date in the House Telecommunications Committee is scheduled for Thursday, March 8 at 8:00 a.m., and municipal interests will be represented.

RECENT ACTIVITY

SB 125/SB 500 and HB 246: Smoke Free Illinois

SB 125 (Link, D-Lake Bluff) and SB 500 (Cullerton, D-Chicago) are posted for Senate Executive Committee on Wednesday, March 7 at 1:00 p.m. HB 246 (Yarbrough, D-Broadview) remains on 2nd Reading in the House. CONFERENCE SUPPORTS.

SB 232: Impact Fees (Lauzen, R-Aurora)

SB 232 creates the Development Impact Fee Authorization for Local Governments Act. It authorizes municipalities and counties to adopt ordinances to impose, on behalf of themselves and other local governments, development impact fees on new developments in the municipality or county. It outlines requirements and procedures for adopting the fee ordinances, for the imposition, collection, and expenditure of the fees, for returning unexpended fees, and for appealing the imposition of the fees. It also requires that within 2 years after the effective date, all municipalities and counties must conform any existing impact fee ordinance with the provisions required under this Act. Effective immediately. This bill was not called last week, but is scheduled for a hearing in Senate Local Government Committee on Tuesday, March 6 at 1:00 p.m.

SB 382: Design Build (Garrett, D-Highwood)

SB 382 is an initiative of NWMC to amend the Municipal Code to allow municipalities to enact design review ordinances to be enforced by an administrative body designated by the municipality. This bill is currently on 2nd Reading in the Senate.

SB 447: (Martinez, D-Chicago)

SB 447 allows the employer municipality to appear at a hearing involving officers or members of the police department and officers or members of the fire department as a matter of right. SB 447 is scheduled for a hearing in the Senate Pensions and Investments Committee on Tuesday, March 6 at 4:00 p.m.

SB 1204: Conservation 2000 Grants (Holmes, D-Plainfield)

SB 1204 provides that money in the Conservation 2000 Fund and Conservation 2000 Projects Fund may be used, subject to appropriation, to support and assist units of local government with natural resource protection, recreation, tourism, and compatible agricultural and economic development activities that receive funding approval from the Department of Natural Resources. SB 1204 is posted in Senate Agriculture and Conservation Committee on Wednesday, March 7 at 9:00 a.m. CONFERENCE SUPPORTS.

SB1260: Court Fines (Millner, R-Bloomingtondale)

SB 1260 provides that any person who, after a court appearance in the same matter, receives a disposition of court supervision for a violation of any provision of the Code or a similar provision of a local ordinance (instead of only a violation of any provision of the Code) shall pay an additional fee of \$20 and an additional fee of \$5 for court supervision. It amends the Clerks of Courts Act and the Unified Code of Corrections to reflect the additional fees for violation of a local ordinance that is similar to the supervision provisions of the Illinois Vehicle Code. CONFERENCE SUPPORTS. This bill passed out of the Senate Judiciary Civil Committee unanimously and is currently on 3rd Reading in the Senate.

SB 1553: Firefighter Determination of Disability (Frerichs, D-Champaign)

SB 1553 provides the three physicians' opinions required for a determination of disability need not agree as to the existence of any disability or the nature and extent of a disability. Provides that no physical or mental disability that constitutes the basis of an application for benefits may be used by any municipality or fire protection district employing firefighters, emergency medical technicians, or paramedics as cause for discharge. Provides that the Board of Trustees' finding that a particular applicant is not or is no longer disabled shall constitute a conclusive presumption binding on the employing unit that the firefighter, emergency medical technician, or paramedic is able to perform his or her job and the employing entity may not use any conflicting medical opinion to provide the basis of denying return to employment by the firefighter, emergency medical technician, or paramedic. Requires the firefighter to report to the marshal or chief of the fire department, who shall order reinstatement into active service at the same rank or grade held on the date the firefighter had occupied before applying for disability pension. Amends the State Mandates Act to require implementation without reimbursement. SB 1553 passed out of Senate Pensions and Investments committee 9-1-0 and is currently on 2nd Reading in the Senate.

HB 166: Pregnant Police Officer (Osmond, R-Antioch)

HB 166 provides it is a civil rights violation for a public employer to refuse to temporarily transfer a pregnant female police officer to a less strenuous or hazardous position for the duration of her pregnancy if she so requests, with the advice of her physician, where that transfer can be reasonably accommodated. HB 166 is scheduled for a hearing in the House Local Government Committee on Wednesday, March 7 at 2:00 p.m. CONFERENCE SUPPORTS.

HB 256: TIF for Transit Oriented Development (TOD) (Fortner, R-West Chicago)

HB 256 amends the TIF Act by defining “transit oriented developments” (TODs) and by adding the costs associated with TODs to the definition of “redevelopment project costs.” This bill was sent to the House Revenue Property Tax Subcommittee, and is scheduled for hearing on Thursday, March 8 at 10:00 a.m. CONFERENCE SUPPORTS.

HB 511: Freedom of Information Act (Joyce, D-Chicago)

HB 511 requires FOIA disclosure of settlement agreements entered into by a public body. This bill is scheduled for hearing by the House State Government Committee on Wednesday, March 7 at 2:00 p.m. CONFERENCE OPPOSES because the release of litigation settlement amounts severely compromises the ability of local governments to negotiate settlements of future litigation, leading to unnecessary expenditure of taxpayer dollars.

HB 552: Administrative Impound Fee (Froehlich, R-Schaumburg)

HB 552 allows any municipality to establish procedures for the release of properly impounded vehicles that were used in the commission of specified offenses and to impose a reasonable administrative fee related to the municipality’s cost for removal, impoundment, storage, and release of the vehicle. This bill unanimously passed out of the House Local Government Committee and is on 2nd Reading in the House. CONFERENCE SUPPORTS.

HB 573: Identity Protection (Munson, R-Elgin)

HB 573 creates the Identity Protection Act, which prohibits a State or local government agency from using an individual's social security number in certain ways. It also requires each State or local government agency to develop and implement an identity protection plan. Any intentional violation of the provisions of the Act is a Class B misdemeanor. The bill preempts home rule. HB 573 was held in committee to allow the sponsor to negotiate with the bill’s opponents. It passed unanimously out of the House Judiciary I Committee and is on 3rd Reading in the House. CONFERENCE OPPOSES.

HB 577: Small Business Protection Act (Tryon, R-Crystal Lake)

HB 577 creates the Small Business Protection Act, which sets forth notice, comment, and hearing procedures that the State, a unit of local government, a school district, or a not-for-profit entity receiving governmental funding must follow before providing assistance to another such entity. HB 577 requires a hearing if a competing small business would lose market share because of the assistance. The bill preempts home rule powers and creates an exemption to the State Mandates Act. HB 577 is assigned to the House International Trade and Commerce Committee and is posted for a hearing on Wednesday, March 7 at 4:00 p.m. CONFERENCE OPPOSES.

HB 898: Municipal Census (Mathias, R-Arlington Heights)

HB 898 requires the Secretary of State to adjust its certified population numbers whenever a municipality conducts a partial census. This bill was unanimously approved by the House Local Government Committee and is currently on 3rd Reading in the House. CONFERENCE SUPPORTS.

HB 1050: Juvenile Detainment (Collins, D-Chicago)

HB 1050 provides that no minor under 17 years of age (now 12 years of age) shall be detained in a county jail or a municipal lockup for more than six hours. It also deletes a provision requiring a minor's confinement to be implemented so there is no contact with adult prisoners. This bill is to be heard on Thursday, March 8 in the House Juvenile Justice Committee.

HB 1841: Regional Transportation Authority Act Amendments (Hamos, D-Evanston)

HB 1841 amends the Regional Transportation Authority Act to provide more powers and responsibilities to the RTA. This legislation, filed in response to the findings of the Auditor General's review of the RTA and the three service boards, would significantly increase the ability of the RTA to effectively address fares, arbitrate disputes between service boards, and conduct financial audits, and gives the power to create a "Regional Transit Innovations Fund." It also requires the RTA to establish regional goals, objectives and performance standards for the service boards. This bill is scheduled for a hearing by the House Mass Transit Committee on Thursday, March 8 at 10:00 a.m.



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MARCH 19, 2007

UPDATE #6-2007

With over 50 committees in the House (compared to 26 in the Senate), much activity is going on at that level. The next several weeks promise to be just as busy, as the deadline nears to move over 4,000 House bills and 1,800 Senate bills out of Committee. The Senate deadline was Thursday, March 15, and the House deadline is Friday, March 23. For more information on the bills below or other legislative issues, contact DMMC Legislative Associate Michelle Kelm at (217) 725-2082 or consult the Illinois General Assembly's website at www.ilga.gov.

KEY LEGISLATION

HB 1500: Cable and Video Competition Act (Brosnahan, D-Oak Lawn):

HB 1500 removes local franchising authority and creates a state-wide franchise for cable and video providers. The bill would greatly reduce transmission of community programming and PEG funding, and fails to ensure that all residents will have access to competitive services. In its current form, HB 1500 would severely inhibit local ability to protect the public right of way, to protect residents' right to adequate customer service, and to protect the privacy of residents' personal information, among other concerns. AT&T presented lengthy testimony in favor of the bill at a House Telecommunications Committee hearing on March 8. The hearing continued on March 15, and local governments will be among the final presenters on Thursday, March 22. DMMC is part of a statewide collaborative effort to protect residents' interests and to improve the legislation. CONFERENCE OPPOSES. Please contact your House members to encourage their opposition to this bill in its current form.

RECENT ACTIVITY

SB 113: Non-home Rule Sales Tax Notice Dates (Syverson, R-Rockford)

SB 113 amends the Illinois Municipal Code concerning non-home rule sales tax. It allows a municipality to notify the Department of Revenue by May 1 (currently April 1) for a sales tax to be effective on July 1. As a result, local elections in April with a sales tax referendum will allow the sales tax to take effect on July 1 of the same year. The provision allowing notice by October 1 for a January 1 effective date is unchanged. This bill was approved by the Senate Local Government Committee and is currently on 2nd Reading in the Senate. CONFERENCE SUPPORTS.

SB 210: Intergovernmental Insurance Pools (Dahl, R-Peru)

SB 210 makes joint insurance pools subject to the Illinois Insurance Code's regulation of improper claims practices. If the Director of Insurance finds that a pool or cooperative has engaged in an improper claims practice, this bill authorizes the Director to issue charges against the pool or cooperative, conduct a hearing on the charges, suspend the pool's or cooperative's authority to self-insure for up to 6 months, and impose a civil penalty of up to \$250,000. This bill was unanimously approved by the Senate Insurance Committee and is on 2nd Reading in the Senate.

SB 314: Bike and Pedestrian Path Mandate (Maloney, D-Chicago)

SB 314 provides that, as of July 1, 2007, bicycle and pedestrian ways shall be given full consideration in the planning and development of transportation facilities, including the incorporation of such ways into State-funded transportation plans and programs. The bill further requires that, as of July 1, 2008, bicycle and pedestrian ways be established in conjunction with any construction, reconstruction, or other change to any State transportation facility, and that special emphasis be given to projects in or within one mile of an urban area. Any exception to this mandate must be approved by the Director of IDOT and is allowed only under certain ambiguously worded conditions. SB 314 also requires IDOT to establish design and construction standards for bicycle and pedestrian ways. The bill was unanimously approved by the Senate Transportation Committee and is on 2nd Reading in the Senate. The ambiguous language of this bill makes compliance infeasible, and the overbroad scope of the mandate is an improper drain on public funds. CONFERENCE OPPOSES.

SB 689: Ten Year Municipal Loan Repayment Authority (Viverito, D-Burbank)

SB 689 allows municipalities to borrow money from any bank or financial institution, provided the money shall be repaid within ten years (now one year). This is an initiative of the Illinois Municipal League. SB 689 was unanimously approved by the Senate Local Government Committee and is on 2nd Reading in the Senate. CONFERENCE SUPPORTS.

SB 735: Municipal Convention Center Management Corporations (Cronin, R-Elmhurst)

SB 735 allows municipalities to establish non-profit public-facilities corporations to act as a business agent of the municipality in the operation and management of municipal convention facilities. The corporations would have applicable municipal rights and powers, including property and sales tax exemption of the convention facilities. The Senate Local Government Committee unanimously approved SB 735 and the bill is now on 2nd Reading in the Senate.

SB 1475: Catastrophic Injury (Lightford, D-Westchester)

SB 1475 defines "catastrophic injury" as a grievous or serious injury or impairment of a nature that is sufficient to permanently preclude the injured employee from performing any gainful work. This is an initiative of the Northwest Municipal Conference. SB 1475 was amended to a shell bill and approved by the Senate Labor Committee to continue discussions. CONFERENCE SUPPORTS.

SB 1485: Real-estate Transfer Tax for Non-Home Rule Municipalities (Lightford, D-Westchester)

SB 1485 authorizes non-home rule municipalities to impose a real estate transfer tax by referendum approval. This is an initiative of the West Central Municipal Conference. SB 1485 failed in the Senate Local Government Committee and has been re-referred to the Senate Rules Committee. CONFERENCE SUPPORTS.

SB 1553: Firefighter Determination of Disability (Frerichs, D-Champaign)

SB 1553 allows for disability payments to firefighters where the three examining physicians do not agree as to the existence of or extent of a disability. The bill further prohibits use of physical or mental disability that constitutes the basis of an application for benefits as a cause for discharge. Where a Board of Trustees finds that an applicant is not (or is no longer) disabled, the bill provides that the finding is a conclusive presumption that the firefighter, emergency medical technician, or paramedic is able to perform his or her job, and prohibits the use of conflicting medical opinion to deny a return to employment at the same rank or grade the employee

occupied before applying for disability pension. The Senate Pensions and Investments Committee unanimously approved HB 1553, which is currently on 2nd Reading in the Senate.

HB 155 / HB 237: Illinois Library Confidentiality Act (Dunn, R-Naperville)

These amendments to the Illinois Library Confidentiality Act address libraries' disclosure of user information to police when there is an imminent danger to public safety. HB 155 is scheduled to be heard in the Judiciary I - Civil Law Committee on Wednesday, March 21 at 8:00 a.m. HB 237 was unanimously approved by the House and awaits action in the Senate. CONFERENCE SUPPORTS.

HB 166: Pregnant Police Officer (Osmond, R-Antioch)

HB 166 provides that it is a civil rights violation for a public employer to refuse to temporarily transfer a pregnant female police officer to a less strenuous or hazardous position for the duration of her pregnancy if she so requests, with the advice of her physician, where that transfer can be reasonably accommodated. This bill has been amended to include firefighters. HB 166 was unanimously approved by the House Local Government Committee and is on 2nd Reading in the House. CONFERENCE SUPPORTS.

HB 246: Smoke Free Illinois (Yarborough, D-Broadview)

HB 246 establishes a state-wide prohibition on smoking in public places. It allows home rule municipalities to establish their own regulations if they are at least as restrictive as the state ban. This bill was approved by the House Environmental Health Committee with a vote of 9-0-3 and is on 3rd Reading in the House. CONFERENCE SUPPORTS.

HB 256: TIF for Transit Oriented Development (TOD) (Fortner, R-West Chicago)

HB 256 amends the TIF Act by defining "transit oriented developments" (TODs) and by adding the costs associated with TODs to the definition of "redevelopment project costs." This bill was sent to the House Revenue Property Tax Subcommittee, and is scheduled for hearing on Thursday, March 22 at 8:00 a.m. CONFERENCE SUPPORTS.

HB 511: Freedom of Information Act (Joyce, D-Chicago)

HB 511 requires FOIA disclosure of settlement agreements entered into by a public body. This bill is on 2nd Reading in the House, after unanimous approval by the House State Government Committee. CONFERENCE OPPOSES because the release of litigation settlement amounts severely compromises the ability of local governments to negotiate settlements of future litigation, leading to unnecessary expenditure of taxpayer dollars.

HB 537: Impact Fees (Kosel, R-Mokena)

HB 537 provides that any unit of local government that has imposed a road improvement impact fee upon a developer shall impose a proportionate road improvement impact fee on any other developer who, within 5 years of the date on which the original impact fee was imposed, undertakes an additional development that benefits from the road improvements for which the unit of local government imposed the original impact fee. Provides that, within one year after a unit of local government receives a proportionate road improvement impact fee from a subsequent developer, that unit of local government shall pay to the developer who paid the original impact fee an amount equal to the amount of the proportionate road improvement impact fee. HB 537 was approved by the House Energy and Environment Committee on a 16-5-0 vote and is currently on 3rd Reading in the House. CONFERENCE OPPOSES.

HB 552: Administrative Impound Fee (Froehlich, R-Schaumburg)

HB 552 allows any municipality to establish procedures for the release of properly impounded vehicles that were used in the commission of specified offenses and to impose a reasonable administrative fee related to the municipality's costs. The House Local Government Committee unanimously approved this bill and it is on 2nd Reading in the House. CONFERENCE SUPPORTS.

HB 573: Prohibition on Use of Social Security Numbers (Munson, R-Elgin)

HB 573 prohibits a State or local government agency from using an individual's social security number in certain ways and requires those agencies to develop and implement an identity protection plan. Intentional violation of the Act is a Class B misdemeanor. HB 573 was held in committee to allow the sponsor to negotiate with the bill's opponents. This bill was unanimously approved in the House and is currently in the Senate Rules Committee. CONFERENCE OPPOSES.

HB 577: Notice Requirements for Governmental Funding (Tryon, R-Crystal Lake)

HB 577 sets forth notice, comment, and hearing procedures that the State, a unit of local government, a school district, or a not-for-profit entity receiving governmental funding must follow before providing assistance to another such entity. HB 577 requires a hearing if a competing small business would lose market share because of the assistance. The bill preempts home rule and is an unfunded State Mandate. A hearing in the House International Trade and Commerce Committee is scheduled for Wednesday, March 21 at 4:00 p.m. CONFERENCE OPPOSES.

HB 928: Firefighter Illness Presumption (Hoffman, D-Collinsville)

HB 928 provides that any condition or impairment of health of a firefighter, emergency medical technician, or paramedic that results directly or indirectly from any bloodborne pathogen, lung or respiratory disease or condition, heart or vascular disease or condition, hypertension, tuberculosis, or cancer resulting in any disability to the employee shall be conclusively presumed to arise out of and in the course of employment and to be causally connected to the hazards or exposures of the employment. The presumption also applies to any hernia or hearing loss. HB 928 was unanimously approved by the House Local Government Committee and is currently on 2nd Reading in the House. An amendment has been filed (but not adopted), to allow rebuttal of the presumption that employment caused the condition. While this would be a slight improvement, DMMC would still oppose this bill. CONFERENCE OPPOSES.

HB 994: Traffic Fine Diversions (Sacia, R-Freeport)

HB 994 provides that any person who receives court supervision for a violation of the Illinois Vehicle Code or similar local ordinance (currently only those persons who receive supervision after appearing in court) shall pay additional fees of \$20 and \$5. The bill also increases the \$5 fee to \$10 and provides that the additional \$5 will go to the Illinois Law Enforcement Alarm System Fund to pay for "homeland security air support units" such as helicopters. HB 994 was approved by the House Transportation Committee 11-2-0 and is on 3rd Reading in the House. Although the homeland security is a laudable goal, this bill would divert large amounts of existing revenue from the State, counties, and municipalities. Although the bill states that the \$20 and \$10 fees are to be paid as "additional fees," it expands application of the fees to include cases of mail-in supervision, which make up the vast majority of traffic citations in DuPage. As a result, \$30 would be taken from the regular \$75 fine, meaning that funds currently shared by the State, counties, and municipalities would be diverted for purchase of police helicopters. CONFERENCE OPPOSES.

HB 1058: Automated External Defibrillator (AED) Grants (Burke, D- Chicago)

HB 1058 makes matching grants from the Heartsaver AED Fund available to any school, college, or university (instead of any *public* school, college, or university) and any park district or municipal recreation department, to assist in the purchase of an AED. HB 1058 was unanimously approved by the House Executive Committee and is on 3rd Reading in the House. CONFERENCE SUPPORTS.

HB 1059: Automated External Defibrillator (AED) Surcharge (Burke, D-Chicago)

HB 1059 allows voters to petition for referendum on a municipal or county monthly surcharge of \$0.10 per phone line for two years, for purchasing and maintaining AEDs in schools, parks, and other public places. HB 1059 was unanimously approved by the House Executive Committee and is on 2nd Reading in the House. CONFERENCE SUPPORTS.

HB 1279: Automated External Defibrillator (AED) Placement (Burke, D-Chicago)

HB 1279 requires that outdoor and indoor (currently only indoor) physical fitness facilities to have at least one AED on the premises and creates compliance dates for both public and private facilities. This bill is expected to be amended on the floor to remove language which would require park districts to comply with the new standards. HB 1279 was unanimously approved by the House Executive Committee and is currently awaiting an amendment on 2nd Reading in the House.

HB 1364: Flex Fuel Motorpool Vehicles (Boland, D-Moline)

HB 1364 requires that, as of the bill's effective date, all gasoline-powered vehicles purchased with municipal funds must be flexible fuel vehicles and all diesel fuel vehicles purchased with municipal funds must be certified by the manufacturer to run on 5% biodiesel (B5) fuel. Beginning July 1, 2008, all gasoline-powered vehicles purchased with municipal funds must be flexible fuel or fuel-efficient hybrid vehicles. This bill preempts Home Rule and is an unfunded State Mandate. HB 1364 is scheduled for hearing by the House Local Government Committee on Wednesday, March 21 at 1:00 p.m. CONFERENCE OPPOSES.

HB 1670: Commencement of Municipal Terms (Pritchard, R-Sycamore)

HB 1670 provides that the terms of elected municipal officers shall commence at the first regular or special meeting of the corporate authorities after receipt of the election results from the county clerk (instead of during the month of May following the proclamation of the results). This bill unanimously passed out of House Local Government Committee and is currently on 3rd Reading in the House.

HB 1727: Internet Screening in Public Libraries Act (Joyce, D- Chicago)

HB 1727 provides that each public library must have a technology protection measure to prevent the display on a public computer of any visual depictions that are obscene, child pornography, or harmful to minors. The bill requires each public library to annually certify, under penalty of perjury, its compliance with this Act. Libraries would be allowed to disable the technology protection measure for an adult engaged in legitimate research or some other lawful purpose. Fines collected for violations of this Act are to be used by the State Librarian, subject to appropriation, to implement and administer the Act. HB 1727 was approved by the House Judiciary I Committee and is on 2nd Reading in the House.

HB 1841: Regional Transportation Authority (RTA) Act Amendments (Hamos, D-Evanston)

HB 1841 amends the RTA Act to provide more powers and responsibilities to the RTA. This legislation, filed in response to the findings of the Auditor General's review of the RTA and the three service boards, would increase the ability of the RTA to effectively address fares, arbitrate disputes between service boards, conduct financial audits, and create a "Regional Transit Innovations Fund." The bill would also require the RTA to establish regional goals, objectives and performance standards for the service boards. HB 1841 was unanimously approved by the House Mass Transit Committee and is on 2nd Reading in the House.

HB 1842: Energy Efficient Commercial Building Act (Hamos, D-Evanston)

HB 1842 amends the Energy Efficient Commercial Building Act to change the name to the Energy Efficient Building Act. It also provides a definition of "building" and applies the Act to all buildings (currently only commercial buildings). HB 1842 allows units of local government that have adopted the efficiency standards of the 2000 International Energy Conservation Code, with the 2001 supplement, on or before January 1, 2007, to continue to regulate energy efficient building standards under that Code. HB 1842 was approved by the House Energy and Environment Committee and is on 2nd Reading in the House. CONFERENCE OPPOSES.

HB 1881: Nuisance Liens (Ryg, D-Vernon Hills)

HB 1881 provides that a municipality may collect from an owner the reasonable cost of abating a nuisance on property. It provides that, in order to collect the cost of abatement, the municipality must show that it provided reasonable notice of the nuisance to the owner of record; the owner failed to take steps to abate the nuisance; and the nuisance was remedied at the expense of the municipality. The bill provides that the municipality, or a person performing service on behalf of the municipality, may impose a lien on the property in order to recover the cost of abating the nuisance. HB 1881 is scheduled for hearing by the House Local Government Committee on Wednesday, March 21 at 1:00 p.m. CONFERENCE SUPPORTS.

HB 2 / HB 1134: Chicago Metropolitan Agency for Planning (CMAP) (Bassi, R-Palatine)

HB 2 is "housekeeping" legislation addressing the CMAP name change, IMRF eligibility, and other technical matters. It is scheduled for hearing by the House Personnel and Pensions Committee on Thursday, March 22 at 1:00 p.m. HB 1134 makes three significant changes to the Regional Planning Act: allows CMAP to set a mandatory fee for local governments; creates a review process for "projects of regional significance;" and prepares a recommendation on the re-designation of the MPO. HB 1134 is scheduled for hearing by the House Smart Growth and Regional Planning Committee on Tuesday, March 20 at 2:00 p.m.

CONFERENCE SUPPORTS HB 2.

CONFERENCE OPPOSES HB 1134 in its current form.

HB 2035: SAFETEA-LU Matching Money (Rose, R-Charleston)

DB 2035 requires that, if the federal government offers to provide any funding to the State units of local government on a matching-funds basis for transportation projects, then, if the State does not appropriate the matching funds necessary to receive the financial assistance, IDOT must enable units of local government or other parties to pay the matching funds necessary to receive the federal transportation funds. This bill was unanimously approved by the House Transportation Committee and is currently on 2nd Reading in the House. CONFERENCE SUPPORTS.



Legislative Update

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MARCH 26, 2007

UPDATE #7-2007

The deadlines to move bills out of Committees have passed. The Senate's deadline for 3rd Reading is Friday, March 30, and then the General Assembly breaks for the first two weeks in April. For more information on the bills below or other legislative issues, contact DMMC Legislative Associate Michelle Kelm at (217) 725-2082 or consult the Illinois General Assembly's website at www.ilga.gov.

KEY LEGISLATION

HB 1500: Cable and Video Competition Act (Brosnahan, D-Oak Lawn):

HB 1500 removes local franchising authority and creates a state-wide franchise for cable and video providers. The bill would greatly reduce transmission of community programming and PEG funding, and fails to ensure that all residents will have access to competitive services. In its current form, HB 1500 would severely inhibit local ability to protect the public right-of-way, to protect residents' right to adequate customer service, and to protect the privacy of residents' personal information, among other concerns. AT&T presented lengthy testimony in favor of the bill at a House Telecommunications Committee hearing on March 8. The hearing continued on March 15, and local governments were among the final presenters on March 22. HB 1500 was referred back to the House Rules Committee. DMMC is part of a statewide collaborative effort to protect residents' interests and to improve the legislation. CONFERENCE OPPOSES. Please contact your House members to encourage their opposition to this bill in its current form.

RECENT ACTIVITY

SB 113: Non-home Rule Sales Tax Notice Dates (Syverson, R-Rockford)

SB 113 amends the Illinois Municipal Code concerning non-home rule sales tax. It allows a municipality to notify the Department of Revenue by May 1 (currently April 1) for a sales tax to be effective on July 1. As a result, local elections in April with a sales tax referendum will allow the sales tax to take effect on July 1 of the same year. The provision allowing notice by October 1 for a January 1 effective date is unchanged. This bill was approved by the Senate Local Government Committee and is currently on 3rd Reading in the Senate. CONFERENCE SUPPORTS.

SB 689: Ten Year Municipal Loan Repayment Authority (Viverito, D-Burbank)

SB 689 allows municipalities to borrow money from any bank or financial institution, provided the money shall be repaid within ten years (now one year). This is an initiative of the Illinois Municipal League. SB 689 was unanimously approved by the Senate Local Government Committee and is on 3rd Reading in the Senate. CONFERENCE SUPPORTS.

SB 735: Municipal Convention Center Management Corporations (Cronin, R-Elmhurst)

SB 735 allows municipalities to establish non-profit public-facilities corporations to act as a business agent of the municipality in the operation and management of municipal convention facilities. The corporations would have applicable municipal rights and powers, including property and sales tax exemption of the convention facilities. The Senate Local Government Committee unanimously approved SB 735 and the bill is now on 3rd Reading in the Senate.

SB 1296: Appointment of Fault (D-Cullerton, Chicago)

SB 1296 amends the Civil Code of Procedures such that the apportionment of fault under the joint liability Section applies only to the parties still remaining in the case at the time the final determination is made by the trier of fact and does not apply to the defendants or third party defendants that have been dismissed for any reason, including settlement. Effectively immediately. SB 1296 passed out of the Senate 34-1 and has been referred to the Rules Committee in the House. CONFERENCE OPPOSES.

SB 1475: Catastrophic Injury (Lightford, D-Westchester)

SB 1475 defines "catastrophic injury" as a grievous or serious injury or impairment of a nature that is sufficient to permanently preclude the injured employee from performing any gainful work. This is an initiative of the Northwest Municipal Conference. SB 1475 was amended to a shell bill and approved by the Senate Labor Committee to continue discussions, and it is on 3rd Reading in the Senate. CONFERENCE SUPPORTS.

SB 1553: Firefighter Determination of Disability (Frerichs, D-Champaign)

SB 1553 allows for disability payments to firefighters where the three examining physicians do not agree as to the existence of or extent of a disability. The bill further prohibits use of physical or mental disability that constitutes the basis of an application for benefits as a cause for discharge. Where a Board of Trustees finds that an applicant is not (or is no longer) disabled, the bill provides that the finding is a conclusive presumption that the firefighter, emergency medical technician, or paramedic is able to perform his or her job, and prohibits the use of conflicting medical opinion to deny a return to employment at the same rank or grade the employee occupied before applying for disability pension. The Senate Pensions and Investments Committee unanimously approved HB 1553, which is currently on 2nd Reading in the Senate. A floor amendment has been added and it has been referred to the Senate Pensions and Investments Committee. CONFERENCE OPPOSES.

HB 155 / HB 237: Illinois Library Confidentiality Act (Dunn, R-Naperville)

These amendments to the Illinois Library Confidentiality Act address libraries' disclosure of user information to police when there is an imminent danger to public safety. HB 155 was sent back to the House Rules Committee from the House Judiciary I - Civil Law Committee. HB 237 was unanimously approved by the House and awaits action in the Senate. CONFERENCE SUPPORTS.

HB 256: TIF for Transit Oriented Development (TOD) (Fortner, R-West Chicago)

HB 256 amends the TIF Act by defining "transit oriented developments" (TODs) and by adding the costs associated with TODs to the definition of "redevelopment project costs." This bill was sent back to the House Rules Committee from the House Revenue Property Tax Subcommittee. CONFERENCE SUPPORTS.

HB 552: Administrative Impound Fee (Froehlich, R-Schaumburg)

HB 552 allows any municipality to establish procedures for the release of properly impounded vehicles that were used in the commission of specified offenses and to impose a reasonable administrative fee related to the municipality's costs. The House unanimously approved this bill, and it is in the Senate. CONFERENCE SUPPORTS.

HB 928: Firefighter Illness Presumption (Hoffman, D-Collinsville)

HB 928 provides that any condition or impairment of health of a firefighter, emergency medical technician, or paramedic that results directly or indirectly from any bloodborne pathogen, lung or respiratory disease or condition, heart or vascular disease or condition, hypertension, tuberculosis, or cancer resulting in any disability to the employee shall be conclusively presumed to arise out of and in the course of employment and to be causally connected to the hazards or exposures of the employment. The presumption also applies to any hernia or hearing loss. HB 928 was unanimously approved by the House Local Government Committee and is currently on 2nd Reading in the House. An amendment has been filed (but not adopted), to allow rebuttal of the presumption that employment caused the condition. While this would be a slight improvement, DMMC would still oppose this bill. CONFERENCE OPPOSES.

HB 1058: Automated External Defibrillator (AED) Grants (Burke, D- Chicago)

HB 1058 makes matching grants from the Heartsaver AED Fund available to any school, college, or university (instead of any *public* school, college, or university) and any park district or municipal recreation department, to assist in the purchase of an AED. HB 1058 passed out of the House 113-1. CONFERENCE SUPPORTS.

HB 1670: Commencement of Municipal Terms (Pritchard, R-Sycamore)

HB 1670 provides that the terms of elected municipal officers shall commence at the first regular or special meeting of the corporate authorities after receipt of the election results from the county clerk (instead of during the month of May following the proclamation of the results). This bill unanimously passed the House, and it is in the Senate. CONFERENCE SUPPORTS.

HB 1881: Nuisance Liens (Ryg, D-Vernon Hills)

HB 1881 provides that a municipality may collect from an owner the reasonable cost of abating a nuisance on property. It provides that, in order to collect the cost of abatement, the municipality must show that it provided reasonable notice of the nuisance to the owner of record; the owner failed to take steps to abate the nuisance; and the nuisance was remedied at the expense of the municipality. The bill provides that the municipality, or a person performing service on behalf of the municipality, may impose a lien on the property in order to recover the cost of abating the nuisance. HB 1881 unanimously passed out of the House Local Government Committee and is on 2nd Reading in the House. CONFERENCE SUPPORTS.

HB 2 / HB 1134: Chicago Metropolitan Agency for Planning (CMAP) (Bassi, R-Palatine)

HB 2 is “housekeeping” legislation addressing the CMAP name change, IMRF eligibility, and other technical matters. It was sent back to the House Rules Committee from the House Personnel and Pensions Committee. HB 1134 makes three significant changes to the Regional Planning Act: allows CMAP to set a mandatory fee for local governments; creates a review process for “projects of regional significance;” and prepares a recommendation on the re-designation of the MPO. HB 1134 passed out of the House Smart Growth and Regional Planning Committee and is on 2nd Reading in the House.

CONFERENCE SUPPORTS HB 2.

CONFERENCE OPPOSES HB 1134 in its current form.

HB 2035: SAFETEA-LU Matching Money (Rose, R-Charleston)

HB 2035 requires that, if the federal government offers to provide any funding to the State units of local government on a matching-funds basis for transportation projects, then, if the State does not appropriate the matching funds necessary to receive the financial assistance, IDOT must enable units of local government or other parties to pay the matching funds necessary to receive the federal transportation funds. This bill passed out of the House 102-2-1 and is in the Senate. CONFERENCE SUPPORTS.



Legislative Update

DUPAGE MAYORS AND MANAGERS CONFERENCE

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APRIL 10, 2007

UPDATE #8-2007

The General Assembly is finishing its two-week break and will return to Springfield the week of April 16. The Senate deadline for 3rd Reading was Friday, March 30. The Senate adjourned early that afternoon without any notice, and it appears the deadline for bills that were still on the calendar for 3rd Reading was extended. For more information on the bills below or other legislative issues, contact DMMC Legislative Associate Michelle Kelm at (217) 725-2082 or consult the Illinois General Assembly's website at www.ilga.gov.

KEY LEGISLATION

HB 1500: Cable and Video Competition Act (Brosnahan, D-Oak Lawn):

HB 1500 removes local franchising authority and creates a state-wide franchise for cable and video providers. The bill would greatly reduce transmission of community programming and PEG funding, and fails to ensure that all residents will have access to competitive services. In its current form, HB 1500 would severely inhibit local ability to protect the public right-of-way, to protect residents' right to adequate customer service, and to protect the privacy of residents' personal information, among other concerns. DMMC is part of a statewide collaborative effort to protect residents' interests and to improve the legislation. CONFERENCE OPPOSES. Please contact your House members to encourage their opposition to this bill in its current form. Note that because HB 1500 was not approved by a committee prior to the deadline, it is very possible that this issue will be transferred to a different bill number in the near future.

RECENT ACTIVITY

SB 113: Non-home Rule Sales Tax Notice Dates (Syverson, R-Rockford)

SB 113 amends the Illinois Municipal Code concerning non-home rule sales tax. It allows a municipality to notify the Department of Revenue by May 1 (currently April 1) for a sales tax to be effective on July 1. As a result, a local sales tax referendum in April could take effect on July 1 of the same year. The provision allowing notice by October 1 for a January 1 effective date is unchanged. This bill is on 3rd Reading in the Senate with an extended deadline of May 31, 2007. CONFERENCE SUPPORTS.

SB 689: Ten Year Municipal Loan Repayment Authority (Viverito, D-Burbank/Krause, R-Buffalo Grove)

SB 689 allows municipalities to borrow money from any bank or financial institution, provided the money is to be repaid within ten years (now one year). This is an Illinois Municipal League initiative. SB 689 was unanimously approved by the Senate and awaits House action. CONFERENCE SUPPORTS.

SB 735: Municipal Convention Center Management Corporations (Cronin, R-Elmhurst/Biggins, R-Elmhurst)

SB 735 allows municipalities to establish non-profit public-facilities corporations to act as a business agent of the municipality in the operation and management of municipal convention facilities. The corporations would have applicable municipal rights and powers, including property and sales tax exemption for the convention facilities. The Senate unanimously approved SB 735 and the bill awaits House action.

SB 1296: Appointment of Fault (Cullerton, D-Chicago/Saviano, R-Elmwood Park)

SB 1296 provides that, when assigning percentages of liability among defendants in a lawsuit, the liability can only be apportioned among defendants currently in the lawsuit. apportionment of fault under the joint liability Section in the Code of Civil Procedure applies only to parties still remaining in the case at the time the final determination is made by the trier of fact, and does not apply to defendants that have been dismissed for any reason, including settlement. Under current law, if a municipality is one of several defendants in a lawsuit and is found to be 5% liable for the plaintiff's injury, then the municipality would be responsible for just 5% of the judgment, regardless of whether the other defendants remained in the lawsuit or had earlier settled with the plaintiff. With SB 1296, if the plaintiff settled with all defendants except the municipality, then the entire 100% liability would be attributed to the municipality. The Senate approved SB 1296 with a vote of 34-23-1, and the bill is now in the House Rules Committee. CONFERENCE OPPOSES.

SB 1429: Streamlined Sales Tax for Collection of Tax on Internet Retail Sales (Cullerton, D-Chicago)

SB 1249 follows the provisions of the Streamlined Sales Tax and Use Tax Agreement and changes attribution of sales taxes from point-of-sale to point-of-delivery. SB 1249 is on 3rd Reading in the Senate. The Conference supports efforts to collect sales tax on Internet and catalog purchases, but believes that prior to passage of legislation the Department of Revenue must do an in depth analysis to determine the impact that point-of-delivery sales tax allocation will have on municipalities' current revenue streams.

SB 1475: Catastrophic Injury (Lightford, D-Westchester)

SB 1475 defines "catastrophic injury" as a grievous or serious injury or impairment of a nature that is sufficient to permanently preclude the injured employee from performing any gainful work. This is an initiative of the Northwest Municipal Conference. SB 1475 was amended to a shell bill and approved by the Senate Labor Committee to continue discussions, and it is on 3rd Reading in the Senate with a deadline extension of May 31, 2007. CONFERENCE SUPPORTS.

SB 1553: Firefighter Determination of Disability (Frerichs, D-Champaign)

SB 1553 allows for disability payments to firefighters where the three examining physicians do not agree as to the existence of or extent of a disability. The bill further prohibits use of physical or mental disability that constitutes the basis of an application for benefits as a cause for discharge. Where a Board of Trustees finds that an applicant is not (or is no longer) disabled, the bill provides that the finding is a conclusive presumption that the firefighter, emergency medical technician, or paramedic is able to perform his or her job, and prohibits the use of conflicting medical opinion to deny a return to employment at the same rank or grade the employee occupied before applying for disability pension. A floor amendment has been added by the Senate Pensions and Investments Committee with a vote of 7-3-0 and moved to 3rd Reading with a deadline extension. CONFERENCE OPPOSES.

HB 237: Illinois Library Confidentiality Act (Dunn, R-Naperville/Hultgren, R-Wheaton)

These amendments to the Illinois Library Confidentiality Act address libraries' disclosure of user information to police when there is an imminent danger to public safety. HB 237 was unanimously approved by the House and has been assigned to Senate Local Government Committee. CONFERENCE SUPPORTS.

HB 552: Administrative Impound Fee (Froehlich, R-Schaumburg/Milner, R-Bloomington)

HB 552 allows any municipality to establish procedures for the release of properly impounded vehicles that were used in the commission of specified offenses and to impose a reasonable administrative fee related to the municipality's costs. The House unanimously approved this bill, and it is in the Senate. CONFERENCE SUPPORTS.

HB 928: Firefighter Illness Presumption (Hoffman, D-Collinsville)

HB 928 provides that any condition or impairment of health of a firefighter, emergency medical technician, or paramedic that results directly or indirectly from any bloodborne pathogen, lung or respiratory disease or condition, heart or vascular disease or condition, hypertension, tuberculosis, or cancer resulting in any disability to the employee shall be conclusively presumed to arise out of and in the course of employment and to be causally connected to the hazards or exposures of the employment. The presumption also applies to any hernia or hearing loss. HB 928 was unanimously approved by the House Local Government Committee and is currently on 2nd Reading in the House. An amendment has been filed (but not adopted), to allow rebuttal of the presumption that employment caused the condition. While this would be a slight improvement, DMMC would still oppose this bill. CONFERENCE OPPOSES. *Could someone who knows these things check HA #3.*

HB 1058: Automated External Defibrillator (AED) Grants (Burke, D-Chicago/Sandoval, D-Cicero)

HB 1058 makes matching grants from the Heartsaver AED Fund available to any school, college, or university (instead of any *public* school, college, or university) and any park district or municipal recreation department, to assist in the purchase of an AED. HB 1058 has been assigned to Senate Public Health Committee. CONFERENCE SUPPORTS.

HB 1670: Commencement of Municipal Terms (Pritchard, R-Sycamore/Jacobs, D-Moline)

HB 1670 provides that the terms of elected municipal officers shall commence at the first regular or special meeting of the corporate authorities after receipt of the election results from the county clerk (instead of during the month of May following the proclamation of the results). This bill has been assigned to Local Government Committee in the Senate. CONFERENCE SUPPORTS.

HB 1881: Nuisance Liens (Ryg, D-Vernon Hills)

HB 1881 provides that a municipality may collect from an owner the reasonable cost of abating a nuisance on property. It provides that, in order to collect the cost of abatement, the municipality must show that it provided reasonable notice of the nuisance to the owner of record; the owner failed to take steps to abate the nuisance; and the nuisance was remedied at the expense of the municipality. The bill provides that the municipality, or a person performing service on behalf of the municipality, may impose a lien on the property in order to recover the cost of abating the nuisance. HB 1881 unanimously passed out of the House Local Government Committee and is on 3rd Reading in the House. CONFERENCE SUPPORTS.

HB 2 / HB 1134: Chicago Metropolitan Agency for Planning (CMAP) (Bassi, R-Palatine)

HB 2 is “housekeeping” legislation addressing the CMAP name change, IMRF eligibility, and other technical matters. It was sent back to the House Rules Committee from the House Personnel and Pensions Committee. HB 1134 makes three significant changes to the Regional Planning Act: allows CMAP to set a mandatory fee for local governments; creates a review process for “projects of regional significance;” and prepares a recommendation on the re-designation of the MPO. HB 1134 passed out of the House Smart Growth and Regional Planning Committee and is on 2nd Reading in the House. CONFERENCE SUPPORTS HB 2. CONFERENCE OPPOSES HB 1134 in its current form. An favorable amendment is pending in the House.

HB 2035: SAFETEA-LU Matching Money (Rose, R-CharlestonCrotty, D-Oak Forest)

HB 2035 requires that, if the federal government offers to provide any funding to the State units of local government on a matching-funds basis for transportation projects, then, if the State does not appropriate the matching funds necessary to receive the financial assistance, IDOT must enable units of local government or other parties to pay the matching funds necessary to receive the federal transportation funds. This bill passed out of the House 102-2-1 and is in the Senate. CONFERENCE SUPPORTS.



Legislative Update

DUPAGE MAYORS AND MANAGERS CONFERENCE

1220 Oak Brook Road; Oak Brook, Illinois 60523

630-571-0480 • Fax: 630-571-0484

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MAY 9, 2007

UPDATE #9-2007

The General Assembly is in the last month of scheduled session dates, but speculation abounds that the Legislature will go into “overtime” this year. One of the most unusual aspects this year is the number of bills given extended deadlines for consideration. As a result, several bills are active even though they have not gotten very far in the formal process. The Conference held its annual Springfield Drive Down in conjunction with the Metro West Council of Government during the last week in April, bringing nearly 100 local officials to the Capitol. The Illinois Municipal League held its State-wide Lobby Day on May 2, continuing the presence of municipal representatives in Springfield. There is an abundance of legislation affecting local governments and our residents, and the most current information is reported below. For more information on these or other legislative issues, contact DMMC Legislative Associate Michelle Kelm at (217) 725-2082 or consult the Illinois General Assembly’s website at www.ilga.gov.

KEY LEGISLATION

HB 1500: Cable and Video Competition Act (Brosnahan, D-Oak Lawn)

HB 1500 removes local franchising authority and creates a state-wide franchise for cable and video providers. The bill would greatly reduce transmission of community programming and PEG funding, and fails to ensure that all residents will have access to competitive services. In its current form, HB 1500 would severely inhibit local ability to protect the public right-of-way, to protect residents' right to adequate customer service, and to protect the privacy of residents' personal information, among other concerns. DMMC is part of a statewide collaborative effort to protect residents’ interests and to improve the legislation. Please contact your House members to encourage their opposition to this bill in its current form. For several weeks discussions have been held in anticipation of an amendment to this bill. While several parties have proposed changes to HB1500, no definitive amendatory language has been made available to date. Until language is drafted and accepted by the bill sponsor that adequately addresses the many concerns about this bill, it is important to continue contacting your House members. CONFERENCE OPPOSES.

SB 500: Ban on Smoking in Public Places (Link, D-Vernon Hills/Yarbrough, D-Maywood)

SB 500 establishes a statewide ban on smoking in public places. The bill has passed both chambers and will go to the Governor for signature. CONFERENCE SUPPORTS.

SB 1296: Apportionment of Fault (Cullerton, D-Chicago/Saviano, R-Elmwood Park)

SB 1296 provides that, when assigning percentages of liability among defendants in a lawsuit, the liability can only be apportioned among defendants currently in the lawsuit. This bill would change Illinois tort law to prevent juries from considering the degree of fault of all parties, and instead allow plaintiffs to aggressively pursue only those with “deep pockets” irrespective of their level of fault. Municipalities and other defendants could end up paying dollar amounts that far exceed any proportionality for their actual liability. This would cause a drastic increase in the cost of liability coverage for both insured and self-insured municipalities. The

Senate approved SB 1296 with a vote of 34-23-1, and the bill has been assigned to the House Judiciary I – Civil Law Committee. CONFERENCE OPPOSES.

SB 1429: Streamlined Sales Tax for Collection of Tax on Internet Retail Sales (Cullerton, D-Chicago)

SB 1249 follows the provisions of the Streamlined Sales Tax and Use Tax Agreement and changes attribution of sales taxes from point-of-sale to point-of-delivery. SB 1249 is on 3rd Reading in the Senate. The Conference supports efforts to collect sales tax on Internet and catalog purchases, but believes that prior to passage of legislation the Department of Revenue must do an in depth analysis to determine the impact that point-of-delivery sales tax allocation will have on municipalities' current revenue streams, and develop a strategy to mitigate any negative impact on individual municipalities.

HB 994: Fine Revenue Diversion for Anti-Terrorism Helicopters (Sacia, R-Pecatonia)

HB 994 would add a new \$5 fee and expand application of that and two other fees (totaling \$30) to citations where the violator receives “mail-in supervision,” which includes the vast majority of citations issued in DuPage. The new \$5 fee would be used to fund “homeland security air support units.” While the language attempts to add this as an additional fee paid by the violator, DuPage’s automated mail-in supervision system would result in \$30 being taken off the top of those citations. This would severely decrease the revenue left to be split between the State, county, and municipality, and would make enforcement of traffic rules a revenue loss for municipal police forces. To the extent that municipalities can no longer afford to enforce traffic laws, this also creates a safety concern on local streets. The bill is on Second Reading in the House, but it has been reported that the sponsor may not advance the bill. CONFERENCE OPPOSES.

HB 1134: Chicago Metropolitan Agency for Planning (CMAP) (Bassi, R-Palatine)

HB 1134 is being amended to include the “housekeeping” provisions addressing the CMAP name change, IMRF eligibility, and other technical matters. The amendment will also address the proposed changes to the Regional Planning Act regarding funding for CMAP, a review process for “projects of regional significance;” and possible re-designation of the MPO. Discussions are continuing to address the different proposals from CMAP, IDOT, and individual legislators. CONFERENCE OPPOSES HB 1134 in its original form. CONFERENCE OPPOSES House Amendment 2, which is pending in the House Smart Growth and Regional Planning Committee.

HB 1841: RTA Planning (Hamos, D-Evanston)

HB 1841 gives the Regional Transit Agency (RTA) greater supervisory authority over the transit service boards (Pace, Metra, and CTA). The bill is now on Second Reading in the House. CONFERENCE SUPPORTS HB 1841 and encourages even greater authority be given to the RTA than is proposed in this bill.

RECENT ACTIVITY

SB 1: Gross Receipts Tax (Jones, D-Chicago)

SB 1 began as a shell bill, but is now being used to carry the Governor’s Gross Receipts Tax proposal. Amendments needed to advance the substantive provisions of the bill were approved by the Senate Executive Committee along a mostly partisan vote on May 8. On May 9, the House held a rare Committee of the Whole in which exhaustive testimony from the Governor, from many other parties, and from House members was heard from 9:00 a.m. until 5:00 p.m.

SB 113: Non-home Rule Sales Tax Notice Dates (Syverson, R-Rockford)

SB 113 amends the Illinois Municipal Code concerning non-home rule sales tax. It allows a municipality to notify the Department of Revenue by May 1 (currently April 1) for a sales tax to be effective on July 1. As a result, a local sales tax referendum in April could take effect on July 1 of the same year. The provision

allowing notice by October 1 for a January 1 effective date is unchanged. The Senate approved the bill with a 57-0 vote and it awaits House action. CONFERENCE SUPPORTS.

SB 689: Ten Year Municipal Loan Repayment Authority (Viverito, D-Burbank/Krause, R-Buffalo Grove)

SB 689 allows municipalities to borrow money from any bank or financial institution, provided the money is to be repaid within ten years (now one year). This is an Illinois Municipal League initiative. SB 689 was approved by the Senate and has been assigned to the House Local Government Committee. CONFERENCE SUPPORTS.

SB 735: Municipal Convention Center Management Corporations (Cronin, R-Elmhurst/Biggins, R-Elmhurst)

SB 735 allows municipalities to establish non-profit public-facilities corporations to act as a business agent of the municipality in the operation and management of municipal convention facilities. The corporations would have applicable municipal rights and powers, including property and sales tax exemption for the convention facilities. The Senate unanimously approved SB 735 and the bill is in the House Executive Committee. CONFERENCE SUPPORTS.

SB 1475: Catastrophic Injury (Lightford, D-Westchester)

SB 1475 defines "catastrophic injury" as a grievous or serious injury or impairment of a nature that is sufficient to permanently preclude the injured employee from performing any gainful work. This is an initiative of the Northwest Municipal Conference. SB 1475 was amended to a shell bill and approved by the Senate Labor Committee to continue discussions, and it is on 3rd Reading in the Senate with a deadline extension of May 31, 2007. CONFERENCE SUPPORTS.

SB 1553: Firefighter Determination of Disability (Frerichs, D-Champaign/Flider, D-Mt. Zion)

SB 1553, among other provisions, allows for disability payments to firefighters where the three examining physicians do not agree as to the existence of or extent of a disability. SB 1553 was approved with a 39-14-2 vote in the Senate and is in the House Personnel and Pensions Committee. CONFERENCE OPPOSES.

HB 237: Illinois Library Confidentiality Act (Dunn, R-Naperville/Hultgren, R-Wheaton)

These amendments to the Illinois Library Confidentiality Act address libraries' disclosure of user information to police when there is an imminent danger to public safety. HB 237 was unanimously approved by the House and has progressed to Third Reading in the Senate. CONFERENCE SUPPORTS.

HB 511: FOIA of Lawsuit Settlement Amounts (Joyce, D-Chicago)

HB 511 amends the Freedom of Information Act (FOIA), expanding the definition of "public record" to include the amount of settlement agreements entered into by municipalities and other public bodies. This would create a chilling effect on settlement of cases and give unfair leverage to future litigants hoping to maximize the amounts paid to them by a public body, and ultimately funded by the taxpayers. HB 511 passed the House with a 100-15-0 vote and awaits action in the Senate. CONFERENCE OPPOSES.

HB 552: Administrative Impound Fee (Froehlich, R-Schaumburg/Milner, R-Bloomington)

HB 552 allows any municipality to establish procedures for the release of properly impounded vehicles that were used in the commission of specified offenses and to impose a reasonable administrative fee related to the municipality's costs. The House unanimously approved this bill, and it has been assigned to the Senate Transportation Committee. CONFERENCE SUPPORTS.

HB 928: Firefighter Illness Presumption (Hoffman, D-Collinsville/Link, D-Vernon Hills)

HB 928 provides that any condition or impairment of health of a firefighter, emergency medical technician, or paramedic that results directly or indirectly from any bloodborne pathogen, lung or respiratory disease or condition, heart or vascular disease or condition, hypertension, tuberculosis, or cancer resulting in any disability to the employee shall be presumed to arise out of and in the course of employment and to be causally connected to the hazards or exposures of the employment. The presumption also applies to any hernia or hearing loss. The bill was amended and approved by the House with a 70-46-0 vote and is now in the Senate Labor Committee. Last minute House amendments to this bill did NOT address the basic concerns raised by municipalities, and the CONFERENCE OPPOSES.

HB 988: Substitute Firefighters (Phelps, D-Norris City/Raoul, D-Chicago)

HB 988 prohibits the use of part-time firefighters, even if they have completed essentially the same training as full-time employees. This would dramatically increase costs for most municipalities, and the possible staffing shortages would create a severe safety concern. The bill was amended to allow for “permissive bargaining” of the issue, but this amendment accomplished nothing, because a union needs only to refuse to bargain the issue to keep the prohibition in place. The House approved the bill 71-43-1 and it awaits action in the Senate. CONFERENCE OPPOSED

HB 1058: Automated External Defibrillator (AED) Grants (Burke, D-Chicago/Sandoval, D-Cicero)

HB 1058 makes matching grants from the Heartsaver AED Fund available to any school, college, or university (instead of any *public* school, college, or university) and any park district or municipal recreation department, to assist in the purchase of an AED. HB 1058 was amended in the Senate to allow the Fund to be used for matching grants to forest preserves and conservation districts. The bill is on Second Reading in the Senate. CONFERENCE SUPPORTS.

HB 1670: Commencement of Municipal Terms (Pritchard, R-Sycamore/Jacobs, D-Moline)

HB 1670 provides that the terms of elected municipal officers shall commence at the first regular or special meeting of the corporate authorities after receipt of the election results from the county clerk (instead of during the month of May following the proclamation of the results). This bill has been assigned to Local Government Committee in the Senate. CONFERENCE SUPPORTS.

HB 1842: Energy Efficient Building Code (Hamos, D-Evanston/Jacobs, D-Moline)

HB 1842 applies the Energy Efficient Building Act requirements to all buildings (currently only commercial buildings) was approved by a 74-38-0 vote in the House and have moved to the Senate Rules Committee.

HB 1881: Nuisance Liens (Ryg, D-Vernon Hills)

HB 1881 allows municipalities to place a lien on property for recovery of costs related to cutting grass or weeds, and removal or trimming of trees and bushes. The bill also allows municipalities to remove trees infected by the emerald ash borer. HB 1881 was approved by the House 92-18-1 and is now in the Senate Local Government Committee. CONFERENCE SUPPORTS.

HB 2035: SAFETEA-LU Matching Money (Rose, R-CharlestonCrotty, D-Oak Forest)

HB 2035 requires that, if the federal government offers to provide any funding to the State units of local government on a matching-funds basis for transportation projects, then, if the State does not appropriate the matching funds necessary to receive the financial assistance, IDOT must enable units of local government or other parties to pay the matching funds necessary to receive the federal transportation funds. This bill passed out of the House 102-2-1 and is in the Senate Transportation Committee. CONFERENCE SUPPORTS.



Legislative Update

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MAY 21, 2007

UPDATE #10-2007

The General Assembly is in the final two weeks of scheduled session dates, and both houses are scheduled to be in session every day through the end of May. Several big issues are still looming, including an abundance of legislation affecting local governments and our residents. The most current information is reported below. For more information on these or other legislative issues, contact DMMC Legislative Associate Michelle Kelm at (217) 725-2082 or consult the Illinois General Assembly's website at www.ilga.gov.

KEY LEGISLATION

HB 1500: Cable and Video Competition Act (Brosnahan, D-Oak Lawn)

HB 1500 removes local franchising authority and creates a state-wide franchise for cable and video providers. The bill as currently drafted would greatly reduce transmission of community programming and PEG funding, and fails to ensure that all residents will have access to competitive services. HB 1500 would severely inhibit local ability to protect the public rights-of-way, to protect residents' right to adequate customer service, and to protect the privacy of residents' personal information, among other concerns. DMMC is part of a statewide collaborative effort to protect residents' interests and to improve the legislation. Please contact your House members to encourage their opposition to this bill in its current form. For several weeks discussions have been held in anticipation of an amendment to this bill and the results thus far have been fairly positive for municipalities. No definitive amendatory language has been made publicly available to date. Until language is drafted and accepted by the bill sponsor that adequately addresses the many concerns about this bill, it is important to continue contacting your House members. CONFERENCE OPPOSES. The House Telecommunications Committee is scheduled to hold a hearing on this bill on Thursday, May 24 at 10:00 a.m.

SB 1296: Apportionment of Fault (Cullerton, D-Chicago/Saviano, R-Elmwood Park)

SB 1296 provides that, when assigning percentages of liability among defendants in a lawsuit, the liability can only be apportioned among defendants currently in the lawsuit. This bill would change Illinois tort law to prevent juries from considering the degree of fault of all parties, and instead allow plaintiffs to aggressively pursue only those with "deep pockets" irrespective of their level of fault. Municipalities and other defendants could end up paying dollar amounts that far exceed any proportionality for their actual liability. This would cause a drastic increase in the cost of liability coverage for both insured and self-insured municipalities. The Senate approved SB 1296 with a vote of 34-23-1, and the bill passed out of House Judiciary I – Civil Law Committee with a vote of 8-6. CONFERENCE OPPOSES.

HB 988: Substitute Firefighters (Phelps, D-Norris City/Raoul, D-Chicago)

HB 988 prohibits the use of part-time firefighters, even if they have completed essentially the same training as full-time employees. This would dramatically increase costs for most municipalities, and the possible staffing shortages would create a severe safety concern. The bill was amended to allow for "permissive bargaining" of the issue, but this amendment accomplished nothing, because a union needs only to refuse to bargain the issue to keep the prohibition in place. The House approved the bill 71-43-1 and it awaits action in the Senate. CONFERENCE OPPOSES.

DMMC Legislative Update - #10-2007

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HB 1134: Chicago Metropolitan Agency for Planning (CMAP) (Bassi, R-Palatine)

HB 1134 is being amended to include the “housekeeping” provisions addressing the CMAP name change, IMRF eligibility, and other technical matters. The amendment will also address the proposed changes to the Regional Planning Act regarding funding for CMAP, a review process for “projects of regional significance;” and possible re-designation of the MPO. Discussions are continuing to address the different proposals from CMAP, IDOT, and individual legislators. CONFERENCE OPPOSES HB 1134 in its original form. CONFERENCE OPPOSES House Amendment 3 (HA3) because it does not include a secure funding source for CMAP and because it includes a drafting error that would result in severe limitations to municipal authority to decide local land use and zoning issues. HA3 has been referred to the House Rules Committee. A hearing on this amendment could be held at anytime this upcoming week with a one hour posting notice.

HB 1841: RTA Planning (Hamos, D-Evanston)

HB 1841 gives the Regional Transit Agency (RTA) greater supervisory authority over the transit service boards (Pace, Metra, and CTA). The bill is now on Second Reading in the House. CONFERENCE SUPPORTS HB 1841, which is expected to be amended this week to reflect changes recommended in a series of meetings with transit partners (including DMMC recommendations). This bill is on 2nd Reading in the House.

RECENT ACTIVITY

SB 1: Gross Receipts Tax (Jones, D-Chicago)

SB 1 began as a shell bill, but is now being used to carry the Governor’s Gross Receipts Tax proposal. Amendments needed to advance the substantive provisions of the bill were approved by the Senate Executive Committee along a mostly partisan vote on May 8. On May 9, the House held a rare Committee of the Whole in which exhaustive testimony from the Governor, from many other parties, and from House members was heard from 9:00 a.m. until 5:00 p.m. The House on Thursday overwhelmingly rejected HR 402, a non-binding resolution to indicate support for or against the Governor’s GRT proposal.

SB 113: Non-home Rule Sales Tax Notice Dates (Syverson, R-Rockford)

SB 113 amends the Illinois Municipal Code concerning non-home rule sales tax. It allows a municipality to notify the Department of Revenue by May 1 (currently April 1) for a sales tax to be effective on July 1. As a result, a local sales tax referendum in April could take effect on July 1 of the same year. The provision allowing notice by October 1 for a January 1 effective date is unchanged. The Senate approved the bill with a 57-0 vote. The bill has been assigned to House Executive Committee. CONFERENCE SUPPORTS.

SB 689: Ten Year Municipal Loan Repayment Authority (Viverito, D-Burbank/Krause, R-Buffalo Grove)

SB 689 allows municipalities to borrow money from any bank or financial institution, provided the money is to be repaid within ten years (now one year). This is an Illinois Municipal League initiative. SB 689 passed out of the House Local Government Committee unanimously and is currently on 2nd Reading in the House. CONFERENCE SUPPORTS.

SB 735: Municipal Convention Center Management Corporations (Cronin, R-Elmhurst/Biggins, R-Elmhurst)

SB 735 allows municipalities to establish non-profit public-facilities corporations to act as a business agent of the municipality in the operation and management of municipal convention facilities. The corporations would have applicable municipal rights and powers, including property and sales tax exemption for the convention facilities. SB 735 has been assigned to the House Revenue Committee and is scheduled to be heard on Thursday, May 24 at 9:00 a.m. CONFERENCE SUPPORTS.

SB 1429: Streamlined Sales Tax for Collection of Tax on Internet Retail Sales (Cullerton, D-Chicago)

SB 1429 follows the provisions of the Streamlined Sales Tax and Use Tax Agreement and changes attribution of sales taxes from point-of-sale to point-of-delivery. The Conference supports efforts to collect sales tax on Internet and catalog purchases, but believes that prior to passage of legislation the Department of Revenue must do an in depth analysis to determine the impact that point-of-delivery sales tax allocation will have on municipalities' current revenue streams, and develop a strategy to mitigate any negative impact on individual municipalities. SB 1429 remains on 3rd Reading in the Senate.

SB 1475: Catastrophic Injury (Lightford, D-Westchester)

SB 1475 defines "catastrophic injury" as a grievous or serious injury or impairment of a nature that is sufficient to permanently preclude the injured employee from performing any gainful work. This is an initiative of the Northwest Municipal Conference. SB 1475 was amended to a shell bill and approved by the Senate Labor Committee to continue discussions, and it is on 3rd Reading in the Senate with a deadline extension of May 31, 2007. CONFERENCE SUPPORTS.

SB 1553: Firefighter Determination of Disability (Frerichs, D-Champaign/Flider, D-Mt. Zion)

SB 1553, among other provisions, allows for disability payments to firefighters where the three examining physicians do not agree as to the existence of or extent of a disability. SB 1553 passed out of House Personnel and Pensions Committee with a 3-0-2 vote. CONFERENCE OPPOSES.

HB 237: Illinois Library Confidentiality Act (Dunn, R-Naperville/Hultgren, R-Wheaton)

These amendments to the Illinois Library Confidentiality Act address libraries' disclosure of user information to police when there is an imminent danger to public safety. HB 237 was unanimously approved by the House and Senate and awaits the Governor's signature. CONFERENCE SUPPORTS.

HB 511: FOIA of Lawsuit Settlement Amounts (Joyce, D-Chicago/Harmon, D - Chicago)

HB 511 amends the Freedom of Information Act (FOIA), expanding the definition of "public record" to include the amount of settlement agreements entered into by municipalities and other public bodies. This would create a chilling effect on settlement of cases and give unfair leverage to future litigants hoping to maximize the amounts paid to them by a public body, and ultimately funded by the taxpayers. HB 511 passed the House with a 100-15-0 vote and awaits action in the Senate. CONFERENCE OPPOSES.

HB 552: Administrative Impound Fee (Froehlich, R-Schaumburg/Milner, R-Bloomington)

HB 552 allows any municipality to establish procedures for the release of properly impounded vehicles that were used in the commission of specified offenses and to impose a reasonable administrative fee related to the municipality's costs. HB 552 was re-referred to Senate Rules Committee. CONFERENCE SUPPORTS.

HB 928: Firefighter Illness Presumption (Hoffman, D-Collinsville/Link, D-Vernon Hills)

HB 928 provides that any condition or impairment of health of a firefighter, emergency medical technician, or paramedic that results directly or indirectly from any bloodborne pathogen, lung or respiratory disease or condition, heart or vascular disease or condition, hypertension, tuberculosis, or cancer resulting in any disability to the employee shall be presumed to arise out of and in the course of employment and to be causally connected to the hazards or exposures of the employment. The presumption also applies to any hernia or hearing loss. The bill was passed out of Senate Labor Committee with a vote of 6-1-3. Last minute House amendments to this bill did NOT address the basic concerns raised by municipalities, and the CONFERENCE OPPOSES.

HB 1058: Automated External Defibrillator (AED) Grants (Burke, D- Chicago/Sandoval, D-Cicero)

HB 1058 makes matching grants from the Heartsaver AED Fund available to any school, college, or university (instead of any *public* school, college, or university) and any park district or municipal recreation department, to assist in the purchase of an AED. HB 1058 was amended in the Senate to allow the Fund to be used for matching grants to forest preserves and conservation districts. The bill is on 3rd Reading in the Senate. CONFERENCE SUPPORTS.

HB 1670: Commencement of Municipal Terms (Pritchard, R-Sycamore/Jacobs, D-Moline)

HB 1670 provides that the terms of elected municipal officers shall commence at the first regular or special meeting of the corporate authorities after receipt of the election results from the county clerk (instead of during the month of May following the proclamation of the results). This bill passed out of Senate Local Government Committee and is currently on 3rd Reading in the Senate. CONFERENCE SUPPORTS.

HB 1842: Energy Efficient Building Code (Hamos, D-Evanston/Jacobs, D-Moline)

HB 1842 applies the Energy Efficient Building Act requirements to all buildings (currently only commercial buildings). The bill has been in the Senate Rules Committee since April 25.

HB 1881: Nuisance Liens (Ryg, D-Vernon Hills/Garrett, D-Highwood)

HB 1881 allows municipalities to place a lien on property for recovery of costs related to cutting grass or weeds, and removal or trimming of trees and bushes. The bill also allows municipalities to remove trees infected by the emerald ash borer. HB 1881 was approved unanimously in the Senate and will advance to the Governor's office for signature. CONFERENCE SUPPORTS.

HB 2035: SAFETEA-LU Matching Money (Rose, R-Charleston/Crotty, D-Oak Forest)

HB 2035 requires that, if the federal government offers to provide any funding to the State units of local government on a matching-funds basis for transportation projects, then, if the State does not appropriate the matching funds necessary to receive the financial assistance, IDOT must enable units of local government or other parties to pay the matching funds necessary to receive the federal transportation funds. This bill passed out of the Senate Transportation Committee unanimously and is currently on 3rd Reading in the Senate. CONFERENCE SUPPORTS.



Legislative Update

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JULY 30, 2007

UPDATE #11-2007

The General Assembly continues its overtime session, with both the House and Senate scheduled to be in session through at least Tuesday, July 31. The key issue is the State budget, which was to have been approved by July 1, and no resolution is in sight. In addition to the budget, a number of substantive bills remain poised for action. For more information on these or other legislative issues, contact DMMC Legislative Director Rick Curneal at (630) 571-0480; Legislative Associate Michelle Kelm at (217) 725-2082; or consult the Illinois General Assembly's website at www.ilga.gov.

KEY LEGISLATION

SB 572 (formerly HB 1841): Comprehensive Transit Legislation (Cullerton, D-Chicago; Silverstein, D-Chicago; Hamos, D-Evanston; Mathias, R-Arlington Heights; Ryg, D-Vernon Hills; Jefferies, D-Chicago)

The current version of this legislation (formerly HB 1841) includes two major changes to the public transit system in northeastern Illinois. Amendment 1 gives the Regional Transit Agency (RTA) greater planning, budgeting, supervisory and enforcement authority over the service boards (Pace, Metra, and CTA). The Conference SUPPORTS Amendment 1 of SB 572. Amendment 2 involves increased funding for public transit, raising \$452 million from four sources: a quarter-percent sales tax increase in all of the northeastern Illinois region; a three-tenths percent tax on real estate transfers in the City of Chicago; an additional quarter-percent sales tax increase in the collar counties that would be distributed to the counties for transit and transportation needs; and additional State matching funds. The Conference supports adequate funding for public transit, but is neutral on the source of these funds.

Senate Bill 572, with Amendments #1 and #2, passed out of House Mass Transit Committee with bipartisan support on May 31. The General Assembly is currently negotiating other amendments to complete the comprehensive transit legislation. These include governance reforms that would – among other provisions – remove CTA from the RTA Board and add 1 member each from Lake and Will Counties to the RTA and Metra Boards. The Conference agrees with these proposed changes and supports amending SB 572 to reflect these governance reforms.

SB 678 (formerly HB 1500): Cable and Video Competition Act (Brosnahan, D-Oak Lawn)

Senate Bill 678 has passed the Legislature and has been signed by the Governor (P. A. 95-009). It became effective upon the Governor's signature. The Illinois Municipal League Home Rule Attorneys Committee is working to: update the IML Right-of-Way Construction/Control Standards Ordinance (the original ordinance was created in 1998 and can be found in the Legal Section of the IML website under model ordinances); create a fee ordinance for the 5% of gross revenues and 1% PEG; and create an ordinance to implement the customer service issues in the Act. The Conference is also collaborating with other municipal groups to schedule workshops throughout the region to update municipal officials on all aspects of this issue.

SB 689: Ten Year Municipal Loan Repayment Authority (Viverito, D-Burbank/Krause, R-Buffalo Grove)

SB 689 allows municipalities to borrow money from any bank or financial institution, provided the money is to be repaid within ten years (now one year). This is an Illinois Municipal League initiative. SB 689 passed out of the House Local Government Committee unanimously and is currently on 2nd Reading in the House and continues to have the final action deadline extended. CONFERENCE SUPPORTS.

SB 735: Municipal Convention Center Management Corporations (Cronin, R-Elmhurst/Biggins, R-Elmhurst)

SB 735 allows municipalities to establish non-profit public-facilities corporations to act as a business agent of the municipality in the operation and management of municipal convention facilities. The corporations would have applicable municipal rights and powers, including property and sales tax exemption for the convention facilities. SB 735 has passed both houses and been sent to the Governor. The Conference SUPPORTS this bill and has sent a letter urging the Governor to sign the legislation.

SB 834 (formerly HB 988): Substitute Firefighters (Phelps, D-Norris City/Halvorson, D-Chicago Heights)

SB 834 prohibits the use of part-time firefighters, even if they have completed essentially the same training as full-time employees. This would dramatically increase costs for most municipalities, and the possible staffing shortages would create a severe safety concern. This bill passed both chambers and now awaits the Governor's signature. The Conference OPPOSES this bill and has sent a letter to the Governor urging him to veto SB 834.

SB 1201 (formerly HB 1134): Chicago Metropolitan Agency for Planning (CMAP) (Bassi, R-Palatine)

SB 1201 has passed both houses. It includes both the technical changes necessary to formally merge the previous planning organizations (CATS and NIPC) and the additional authorities for CMAP to implement coordinated land use and transportation planning. A compromise that would allow the Governor to appoint two members of the CMAP Board has been developed and is expected to be enacted in a trailer bill before the end of the session. SB 1201 also creates a \$5 million Comprehensive Regional Planning Fund to provide the necessary revenue for comprehensive planning across the State, particularly in metropolitan Chicago. This fund was not included in the House version of the State budget. The Conference SUPPORTS this bill and has sent a letter to the Governor urging him to sign the legislation.

SB 1296: Apportionment of Fault (Cullerton, D-Chicago/Saviano, R-Elmwood Park)

SB 1296 provides that, when assigning percentages of liability among defendants in a lawsuit, the liability can only be apportioned among defendants currently in the lawsuit. This bill would change Illinois tort law to prevent juries from considering the degree of fault of all parties, and instead allow plaintiffs to aggressively pursue only those with "deep pockets" irrespective of their level of fault. Municipalities and other defendants could end up paying dollar amounts that far exceed any proportionality for their actual liability. This would cause a drastic increase in the cost of liability coverage for both insured and self-insured municipalities. The Senate approved SB 1296 with a vote of 34-23-1, and the bill passed out of House Judiciary I – Civil Law Committee with a vote of 8-6. The bill is on Third Reading in the House and continues to have the final action deadline extended. CONFERENCE OPPOSES.

SB 1475: Catastrophic Injury (Lightford, D-Westchester)

SB 1475 defines "catastrophic injury" as a grievous or serious injury or impairment of a nature that is sufficient to permanently preclude the injured employee from performing any gainful work. This is an initiative of the Northwest Municipal Conference. SB 1475 was amended to a shell bill and approved by the Senate Labor Committee to continue discussions, and it is on 3rd Reading in the Senate with a deadline extension to December 31, 2007. CONFERENCE SUPPORTS.

SB 1553: Firefighter Determination of Disability (Frerichs, D-Champaign/Flider, D-Mt. Zion)

SB 1553, among other provisions, allows for disability payments to firefighters where the three examining physicians do not agree as to the existence of or extent of a disability. SB 1553 passed both houses and has been sent to the Governor. The Conference OPPOSES SB 1553 and has sent a letter urging the Governor to veto the bill.

HB 237: Illinois Library Confidentiality Act (Dunn, R-Naperville/Hultgren, R-Wheaton)

These amendments to the Illinois Library Confidentiality Act address libraries' disclosure of user information to police when there is an imminent danger to public safety. HB 237 was unanimously approved by the House and Senate and sent to the Governor. The Conference SUPPORTS this bill and has sent a letter urging the Governor to sign this legislation.

HB 928: Firefighter Illness Presumption (Hoffman, D-Collinsville/Link, D-Vernon Hills)

HB 928 provides that any condition or impairment of health of a firefighter, emergency medical technician, or paramedic that results directly or indirectly from any bloodborne pathogen, lung or respiratory disease or condition, heart or vascular disease or condition, hypertension, tuberculosis, or cancer resulting in any disability to the employee shall be presumed to arise out of and in the course of employment and to be causally connected to the hazards or exposures of the employment. The presumption also applies to any hernia or hearing loss. The bill passed both houses (last minute House amendments to this bill did NOT address the basic concerns raised by municipalities) and has been sent to the Governor. The Conference OPPOSES HB 928 and has sent a letter urging the Governor to veto the bill.

HB 1058: Automated External Defibrillator (AED) Grants (Burke, D-Chicago/Sandoval, D-Cicero)

HB 1058 makes matching grants from the Heartsaver AED Fund available to any school, college, or university (instead of any public school, college, or university) and any park district or municipal recreation department, to assist in the purchase of an AED. HB 1058 was amended in the Senate to allow the Fund to be used for matching grants to forest preserves and conservation districts. The bill is on the Concurrence Calendar in the Senate and continues to have the final action deadline extended. CONFERENCE SUPPORTS.

HB 1670: Commencement of Municipal Terms (Pritchard, R-Sycamore/Jacobs, D-Moline)

HB 1670 provides that the terms of elected municipal officers shall commence at the first regular or special meeting of the corporate authorities after receipt of the election results from the county clerk (instead of during the month of May following the proclamation of the results). This bill has passed both houses and been sent to the Governor. CONFERENCE SUPPORTS.

HB 1881: Nuisance Liens (Ryg, D-Vernon Hills/Garrett, D-Highwood)

HB 1881 allows municipalities to place a lien on property for recovery of costs related to cutting grass or weeds, and removal or trimming of trees and bushes. The bill also allows municipalities to remove trees infected by the emerald ash borer. HB 1881 was approved in both houses and has been sent to the Governor. CONFERENCE SUPPORTS.

HB 2035: SAFETEA-LU Matching Money (Rose, R-Charleston/Crotty, D-Oak Forest)

HB 2035 requires that, if the federal government offers to provide any funding to units of local government on a matching-funds basis for transportation projects, and if the State does not appropriate the matching funds necessary to receive the financial assistance, then IDOT must enable units of local government or other parties to pay the matching funds necessary to receive the federal transportation funds. This bill passed out of the Senate Transportation Committee unanimously and is currently on 3rd Reading in the Senate with a deadline extension of December 31, 2007. CONFERENCE SUPPORTS.

ComEd Rate Relief & Reform

Attached is a summary of the ComEd/Ameren rate relief program. The legislation to implement the plan has passed both houses and been sent to the Governor.