



Legislative Update

DUPAGE MAYORS AND MANAGERS CONFERENCE

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SPECIAL VETO SESSION UPDATE

The General Assembly is scheduled to be in Veto Session October 14-16 and 28-30. There are a few veto and amendatory veto bills that affect municipalities with the outcome determined during the Session.

We also know that there can be stalled or new legislation that could be addressed during Veto Session as well – or not. Further, there are often suggestions or comments that indicate a legislator might file legislation on an issue that he or she sees as urgent and needing immediate attention. This potential legislation may or may not come to fruition – but those issues must be watched and prepared for.

Regardless, **NOW IS THE TIME TO TALK TO YOUR LEGISLATORS ABOUT THESE ISSUES BEFORE THEY LEAVE FOR SPRINGFIELD. TALK TO THEM ABOUT ALL OF THESE BILLS AND ISSUES.** The bills and issues listed below are potential concerns that could be taken up during Veto Session – or will appear during the 2010 Regular Session.

For more information on these or other legislative issues, contact DMMC Legislative Director Rick Curneal at (630) 571-0480, x225; Legislative Associate Michelle Kelm at (217) 725-2082; or consult the Illinois General Assembly's website at www.ilga.gov.

VETOES AND AMENDATORY VETOES

HB 3325 – Tinted Car Windows (Amendatory Veto)

House Bill 3325 amends the Illinois Vehicle Code to permit a person to drive a motor vehicle with tinted windows on the side windows adjacent to each side of the driver. The Governor's amendatory veto corrects a technical error in the bill that makes sport utility vehicles with tinted rear windows in violation of the law. (Many law enforcement officials oppose this bill and are working to have no action taken during the Veto Session.)

SB 1595 – Horse Racing Act Amendment (Amendatory Veto)

Senate Bill 1595 addresses some changes to the Horse Racing Act. The Governor's Amendatory Veto was used to change a provision in the Video Gaming Act (video poker). The change made by the Governor affects the provision that permits a referendum on banning video poker within a community. The original legislation required 25% of the legal voters within the municipality. This would be changed to 11% of the total ballots cast by the registered voters of the municipality in the last regular election conducted in the municipality.

SB 1662 – Political Committee Filings [and Ethics Ordinances by Referendum] (Amendatory Veto)

Senate Bill 1662 amends the Election Code concerning political committees. The Governor, using an amendatory veto, has morphed the bill into a local government nightmare while, of course, excluding the

General Assembly and state government. Under the Governor’s amendatory veto, a binding ordinance “relating to ethical standards” may be proposed by a citizen petition. With sufficient signatures (8% of total votes cast for Governor in last general election in municipality), the proposed ordinance could go to referendum. If approved, the ordinance must stay in force, without change, for four years. The proposal has no guidelines about the content of the ordinance, except “relating to ethical standards”. Nor does the ordinance have to be legally drafted – or even comply with existing state and federal statutes. **THE CONFERENCE OPPOSES THE CHANGES TO SB 1662 AND ENCOURAGES LEGISLATORS TO REJECT THE AMENDATORY VETO.**

CURRENT LEGISLATION

HJR 30 – Western Access and Elgin-O’Hare Expressway

PASSED THE HOUSE, IN SENATE COMMITTEE ON ASSIGNMENTS

This resolution is supported by DuPage municipalities in the area around O’Hare airport. It provides for the Illinois State Toll Highway Authority to bond and construct the roadway elements to support the O’Hare Modernization Program. Specifically, these improvements include the Western Bypass connecting I-90 and I-294; and the completion of the Elgin-O’Hare Expressway. **THE CONFERENCE SUPPORTS THIS RESOLUTION AND ENCOURAGES SENATORS TO APPROVE THIS RESOLUTION DURING THE VETO SESSION.**

SB 43 – Prevailing Wage for TIF Districts

PASSED THE SENATE, ON HOUSE CALENDAR FOR SECOND READING

This legislation requires that the Prevailing Wage would apply to all projects in a TIF district, including privately funded projects. The Speaker of the House has scheduled a meeting with interested parties to try to work out a compromise, but the draft language appears to be minimally improved. A pending House amendment would provide for the state to identify one TIF district and conduct a 10-year study of the impact of this bill on the economic impact of the Prevailing Wage. **THE CONFERENCE OPPOSES THIS BILL AND ENCOURAGES REPRESENTATIVES TO OPPOSE THIS BILL IN VETO SESSION.**

SB 1894 (formerly SB 268) – Foreclosure Notice and Lien Protection

SB 1894 IS EXPECTED TO BE “SHELLED” IN THE HOUSE, AMENDED, AND SENT TO THE SENATE FOR APPROVAL

Senate Bill 1894 provides three important tools for municipalities to deal with foreclosed and abandoned properties:

- PROVIDE NOTICE TO LOCAL GOVERNMENTS – Require lenders, servicers and county clerks to give local governments notice when a foreclosure action is initiated and completed, and when a tax sale occurs. That will allow local governments to develop effective plans for troubled properties and it will make it easier for them to find the responsible party.
- REQUIRE FINANCIAL INSTITUTIONS TO MAINTAIN VACANT PROPERTIES – Authorize local governments to ensure that properties are maintained and secured by enacting vacant and abandoned property ordinances and holding lenders – like banks and trustees of mortgage-backed securities – responsible for maintaining such properties.
- RECOVER LOCAL GOVERNMENT COSTS FOR VACANT PROPERTY – Authorize local governments to recover from lenders the costs of maintaining and securing vacant and abandoned properties by giving priority to liens filed for these purposes.

THE CONFERENCE SUPPORTS ENACTMENT OF THIS BILL AND ENCOURAGES SENATORS AND REPRESENTATIVE TO SUPPORT THIS BILL IN VETO SESSION.

SB 2011 – Reset Amortization Period for Police and Fire Pension Systems

PASSED THE SENATE AND ASSIGNED TO HOUSE PERSONNEL AND PENSIONS COMMITTEE

Senate Bill 2011 is an initiative of the Northwest Municipal Conference. It is a fiscally responsible approach to alleviate projected tax increases and/or budget and staffing cuts in 2010 resulting from the 20% to 40% or more increase in actuarially required contributions to public safety pension funds. These increases directly result from lost investment revenue caused by the financial market meltdown in 2008. Senate Bill 2011, as introduced, would reset the amortization deadline from 2033 to 2049 for police and fire pension funds. Enactment of this legislation during veto session could give municipalities the benefit of the extended amortization for 2010. **THE CONFERENCE SUPPORTS ENACTMENT OF THIS BILL AND ENCOURAGES REPRESENTATIVES TO SUPPORT THIS BILL IN VETO SESSION.**

POTENTIAL LEGISLATION

Red Light Camera Enforcement

Newspaper stories have sensationalized the complaints of a few vocal recipients of citations for violating traffic laws at intersections with red light cameras. As a result, there have been calls for legislative action to restrict or remove the authority of municipalities to continue to promote vehicle safety for their residents. On October 1, a bill was filed to prohibit municipalities from issuing citations for violations of state and local vehicle codes that require vehicles to stop before making a right-turn at an intersection with a red light camera (House Bill 4631). In addition, several newspaper accounts report that legislation will be filed for the Veto Session to prohibit any use of red light cameras. At the same time, we have heard that the legislation might **not** be considered until the regular session, and could include changes such as requiring a sworn police officer to review all citations. **THE CONFERENCE OPPOSES EFFORTS TO REVOKE THE AUTHORITY OF MUNICIPALITIES TO ENFORCE VEHICLE CODE VIOLATIONS USING CAMERA TECHNOLOGY AND ENCOURAGES SENATORS AND REPRESENTATIVES TO OPPOSE ANY BILL THAT ERODES MUNICIPAL AUTHORITY.**

Commercial FOIA Requests

Throughout the legislative process for the FOIA changes, the IML, DMMC and other groups expressed significant concerns with this legislation. These concerns center around the ability of municipalities to comply with the requirements of the new changes. The implementation of the new changes would be cumbersome at best. One of the biggest burdens that communities face is the issue of commercial requests. Under the new changes to FOIA, public bodies must respond to FOIA requests that are made for commercial purposes. While there is some greater flexibility in the time limits, public bodies must still provide the information and may not charge more than the *deminimis* fee allowed for noncommercial requests. IML is initially targeting this issue to eliminate the onus of responding to complex, costly, and unnecessary commercial requests. Much more work must be done to make the legislation workable. **THE CONFERENCE SUPPORTS ENACTMENT OF THIS AMENDMENT AND ENCOURAGES SENATORS AND REPRESENTATIVES TO SUPPORT COMMON SENSE CHANGES TO THIS LEGISLATION.**