



Legislative Update

DUPAGE MAYORS AND MANAGERS CONFERENCE

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SPECIAL VETO SESSION UPDATE

The General Assembly will continue the Veto Session October 28-30. Some actions affecting municipalities have been taken, and more are likely. On the other hand, some issues expected to be pushed during the Veto Session have still not moved. 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.) **The House voted to override the Amendatory Veto by vote of 107-8.**

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. **No action on Amendatory Veto.**

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. Motion filed to override 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. Resolution assigned to Senate Transportation Committee. A meeting with Senator Harmon on this issue will be held before Veto Session continues.**

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 REPRESENTATIVES TO SUPPORT THIS BILL IN VETO SESSION. House passed the bill by vote of 81-31; on Senate Calendar for Order of Concurrence of House Amendments.

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 would alleviate projected tax increases and/or budget and staffing cuts in 2010 resulting from the significant 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. SB 2011 would reset the amortization deadline from 2033 to 2049 for police and fire pension funds. **THE CONFERENCE SUPPORTS ENACTMENT OF THIS BILL AND ENCOURAGES REPRESENTATIVES TO SUPPORT THIS BILL IN VETO SESSION. The**

Northwest Municipal Conference continues to negotiate this bill with public safety unions. The contents have changed, and may change again. Additional information will be sent directly to members when available.

SB 2109 – Lobbyist Registration

Currently a shell bill, an amendment is pending that would amend Public Act 96-0555 (Senate Bill 54). The Public Act, passed earlier this year, raises the registration fees for lobbyists from \$150 to \$1,000. For the Conference, that means an increase from \$644 to \$4,000. The pending amendment does not address the fee increase, but efforts are underway to roll back the fee increases.

SB 2106 – Diversion of 9-1-1 Surcharge Fees to Purchase Automated External Defibrillators

After approval by the Senate, this bill was referred to the House Executive Committee. In committee on the first day of the Veto Session, the bill was amended to remove the current language about the 9-1-1 surcharge and add provisions that are unrelated to the original legislation.

SB 2188 – Litigation that Affects 5-year Time Limit to Issue Voter-approved Bonds

With this legislation, if a lawsuit is filed before voter-approved bonds are issued, the 5-year time limit for issuing the bonds would be “tolled”. The time limit would stop while the litigation runs its course. After the litigation is settled, the time limit would resume. **THE CONFERENCE SUPPORTS ENACTMENT OF THIS BILL AND ENCOURAGES REPRESENTATIVES TO SUPPORT THIS BILL IN VETO SESSION. The bill has passed the Senate and is on the House Calendar for First Reading.**

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. Three bills have been filed: House Bill 4631 (Saviano) that prohibits enforcement of right-on-red violations; Senate Bill 2466 (Duffy) that repeals the authority for municipalities to use red light camera enforcement; and Senate Bill 2477 (Hendon) that prohibits issuing violations to persons who come to a stop one foot or less past the point where a driver is required to stop. **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. No action expected in Veto Session.**

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 *de minimis* 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. No action expected in Veto Session.**