



Legislative Update

DUPAGE MAYORS AND MANAGERS CONFERENCE

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According to the House and Senate schedules, today was the last day for bills to be reported out of committee. Therefore, we are dropping all bills that have not made it out of committee in the house of origin. Note, however, that bills sometimes have a Lazarus-like quality and will be resurrected well after these deadlines.

REMINDER – please take every opportunity you have to discuss with your legislators the problems and concerns with police and fire pensions. We are urging legislators not to adopt ANY legislation to increase benefits, yet, despite our opposition, another pension enhancement bill came out of committee with a unanimous vote – meaning that every Republican and every Democrat, including some DuPage legislators, voted for the bill (which gives retired and disabled firefighters the ability to join a municipal health insurance program years after they leave employment).

The House and Senate are taking a spring break and will be out of session for two weeks. Thus, the next *Legislative Update* will be on April 4.

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.

PENSION BILLS

SB 2078: Transfer of Service (Haine, D-Alton) On Senate Calendar for Third Reading.

This legislation permits the transfer of service from IMRF to a police pension system, automatically creating an unfunded liability. CONFERENCE OPPOSES

SB 2090: Pension Reform Proposals (Garrett, D-Lake Forest) On Senate Calendar for Second Reading.

Senator Garrett's bill contained the nine pension reform proposals developed by the IML, including the removal of the tax cap on pension levies, but was changed to a shell bill in committee for further amendment. CONFERENCE SUPPORTS

SB 2362: Pension Credit for Military Service (Cronin, R-Elmhurst) On Senate Calendar for Second Reading.

Firefighters with up to two years of military service served before employment with the municipality could have the two years added to credible service, automatically creating an unfunded liability. CONFERENCE OPPOSES

HB 4627: Firefighter Pension (Leitch, R-Peoria) On House Calendar for Second Reading.

This proposal would increase the firefighter contribution to the pension system from 6.955% of salary to 7.415% of salary. CONFERENCE SUPPORTS.

HB 4644: Firefighter Pension Benefit Increase (Moffitt, R-Galesburg) On House Calendar for Second Reading. This pension increase would affect firefighters who retired before July 1, 1971. In January, 2009, they would have their pension recalculated and increased to reflect the amount the firefighter would have received had the firefighter been receiving a 3% increase for each year of pension payments. In each subsequent January, the pension would be increased by 3%. CONFERENCE OPPOSES.

HB 4686: Retired Firefighter Training (Moffitt, R-Galesburg) On House Calendar for Second Reading. Retired firefighters could receive training certification regardless of the fact that they are not employed or otherwise engaged by an organized Illinois fire department under this proposal.

HB 4905 (Beaubien, R-Barrington Hills) Referred to Rules Committee.

This bill contained eight of the nine pension reforms recommended by the IML. (It excluded the exemption for pension levies for public safety pensions from the tax cap.) While the bill was not approved in committee, a meeting to discuss the legislation was held with IML, Associated Firefighters of Illinois, Fraternal Order of Police, Policemen's Benevolent and Protective Association and the Illinois Public Pension Fund Association, and chaired by House Majority Leader Barbara Flynn Currie. A tentative agreement was reached that includes seven of the original eight points in HB 4905 (the right of intervention on disability cases was dropped). Some of the language in various provisions was modified, but amendments will be ready to go onto HB 4905 and SB 2090 when the General Assembly returns to Springfield in two weeks. CONFERENCE SUPPORTS

HB 5124: Police and Fire Insurance Increase (Lang, D-Skokie) On House Calendar for Second Reading. At the time they retire or become disabled, police and firefighters may opt to continue the health insurance plan offered by the municipality. Under this legislation, police and firefighters may opt to re-join the insurance program at any open enrollment opportunity, regardless of previous participation. CONFERENCE OPPOSES

HB 5158: Full Pension for Surviving Spouse (Hoffman, D-Collinsville) On House Calendar for Second Reading. If a police officer marries subsequent to retirement, the surviving spouse does not receive a pension on the death of the officer. This legislation would allow a pension if the surviving spouse was married to the police officer for at least one year. CONFERENCE OPPOSES

HB 5197: Transfer from IMRF to Police (Beiser, D-Alton) On House Calendar for Second Reading. This bill would permit the transfer of up to eight years of credible service from IMRF to a police pension fund, automatically creating an unfunded liability. CONFERENCE OPPOSES

HB 5692: Pension Transfer (Hoffman, D-Collinsville) On House Calendar for Second Reading. If a police officer moves from one downstate police pension fund to another, his or her creditable service could be reduced rather than having to pay the difference between the amount transferred and the true cost of the credible service. CONFERENCE OPPOSES

SENATE BILLS

SB 1890: Surety Bonds (Haine, D-Alton) On Senate Calendar for Second Reading. The Public Construction Bond Act would be amended to require surety bonds on construction projects costing over \$100,000. Currently, such bonds are required for all projects over \$5,000. CONFERENCE SUPPORTS

SB 1920: Reporting RTA Sales Tax (Garrett, D-Lake Forest) On Senate Calendar for Third Reading.

The County Boards of the collar counties would be required to report annually on the use of the quarter-cent sales tax imposed by the RTA. Reports are made to the Commission on Government Forecasting and Accountability and the General Assembly.

SB 2014: Correction to de novo Review of Zoning Actions (Garrett, D-Lake Forest) On Senate Calendar for Third Reading. According to some attorneys, the previous correction to the de novo review provision failed to include a zoning ordinance “adopted by the corporate authorities of the municipality”. There are no other changes to provisions set out in the *Klaren* decision. CONFERENCE SUPPORTS

SB 2031: County Board Member on ETSB (Haine, D-Alton) On Senate Calendar for Third Reading.

HB 4725: County Board Member on ETSB (McGuire, D-Joliet) On House Calendar for Second Reading.

These bills address Attorney General opinions that prohibit a county board member from serving on an ETSB. The legislation would clarify that it is permissible to have a county board member serve on an ETSB.

SB 2070: Firefighter Assessments for Promotions (Jacobs, D-Moline) On Senate Calendar for Third Reading.

This legislation would require, for promotion examinations, participation of members of the firefighters union and association on a joint labor-management committee to oversee the development of standards for professional assessors. The criteria would be submitted to the State Fire Marshal, who would certify professionals based on the criteria. CONFERENCE OPPOSES

SB 2113: Identity Protection Act (Radogno, R-LaGrange) On Senate Calendar for Second Reading.

HB 4219: Identity Protection Act (Munson, R-Elgin) On Senate Calendar for Second Reading.

This legislation would prohibit municipalities from using an individual’s social security number for identification or reference, except in certain circumstances that are provided in statutes. It would also require communities to develop and implement an identity protection policy. The intention appears to be an effort to minimize the potential illegal use of social security numbers without interfering in legitimate uses. For example, it would not change the uses of a social security number for tax records; but would prohibit using the social security number as the account number for water bills. HB 4219 passed the House unanimously.

SB 2120: Tree Under Power Lines (Pankau, R-Roselle) On Senate Calendar for Second Reading.

This legislation would prohibit any person planting a tree under power lines. CONFERENCE OPPOSES in current form. Staff is meeting with Senator Pankau next week to address issues with the bill.

SB 2137: Eavesdropping (Millner, R-St. Charles) On Senate Calendar for Third Reading.

This legislation, supported by the DuPage Police Chiefs’ Association, would exempt recordings made simultaneously with a video recording of conversations in the investigation of any criminal offense from the eavesdropping restrictions. CONFERENCE SUPPORTS

SB 2288: Education Reform (Meeks, D-Chicago) On Senate Calendar for Second Reading.

This is the bill from last year that would reduce property taxes while increasing income taxes, and which was supported by the Mayors Caucus and the Conference. This year, however, there are two significant changes. First, all of the accountability measures that were developed by the Mayors Caucus and supported by the Conference were not included. Second, the legislation creates a capital program that would fund major projects. The Mayors Caucus has taken a position opposed to the legislation without the accountability measures. CONFERENCE OPPOSES in its current form.

SB 2297: Waste Collection Franchise (Clayborne, D-Belleville) **On Senate Calendar for Second Reading.** Municipalities could not authorize a non-residential waste collection franchise without a public hearing and notice, including a three year notice to existing haulers. CONFERENCE OPPOSES

SB 2356: Annexation Across Railroad Property (Hultgren, R-Winfield) **On Senate Calendar for Second Reading**

HB 5186: Annexation Across Railroad Property (Fortner, R-West Chicago) **On House Calendar for Second Reading.** This legislation would permit a municipality to annex property that is bounded one or more municipalities and a railroad. CONFERENCE SUPPORTS

SB 2397: Arbitration for Public Safety Support Personnel (Cullerton, D-Chicago) **On Senate Calendar for Second Reading.** This proposal originally would have required arbitration when collective bargaining agreements reach impasse for dispatchers, clerks and community service officers (as is now done for police officers). The bill was changed in committee to provide that none of the work of these positions (dispatchers, clerks, community service officers) could be contracted, but would have to be done only by public employees. CONFERENCE OPPOSES

SB 2488: Firefighters Blocking Roads (Forby, D-Benton) **On Senate Calendar for Third Reading.**

As amended in committee, this bill would permit, in the absence of a law enforcement officer, an officer of a fire department to close traffic on a highway to protect persons or property.

SB 2580: Historic Structures (Cronin, R-Elmhurst) **On Senate Calendar for Second Reading.**

Any person or entity would be given standing and the right to enforce the provisions of any municipal ordinance or regulation with respect to historic structures. CONFERENCE OPPOSES

SB 2584: Special Service Area Notice (Althoff, R-Crystal Lake) **On Senate Calendar for Second Reading.**

This legislation would require notice by registered mail for a public hearing, where a list of electors who are eligible to sign an objection petition would be available. CONFERENCE OPPOSES

SB 2733: TIF Restrictions for Historic Resources (Cronin, R-Elmhurst) **On Senate Calendar for Second Reading.**

This appears to be a companion to Senator Cronin's Senate Bill 2580. This proposal would limit "redevelopment project costs" in a TIF by excluding costs in an area in which a historic resource is to be demolished, removed or substantially modified. CONFERENCE OPPOSES

SB 2743: TIF and Fire District Costs (Noland, D-Elgin) **On Senate Calendar for Second Reading.**

This would add fire protection districts as a recipient of "redevelopment project costs" for increased costs of the district attributable to redevelopment. CONFERENCE OPPOSES

SB 2744: Firefighter Licensure Requirements (Noland, D-Elgin) **On Senate Calendar for Second Reading.**

Under this proposal, municipalities would be permitted to require firefighters to meet licensure requirements (EMT-B, EMT-I, and EMT-P).

SB 2760: Electricians Licensing (Jacobs, D-Moline) **On Senate Calendar for Second Reading.**

The state would license electricians under this proposal, as well as adopt the National Electric Code as the statewide standard.

SB 2892: School Sales Tax Holiday (Clayborne, D-Belleville) **On Senate Calendar for Second Reading.**

Under this legislation, there would be no sales tax collected during nine days in August for purchases of school supplies, clothing, footwear and computers costing \$3,000 or less. CONFERENCE OPPOSES

HOUSE BILLS

HB 4139: Police Officer Firearms (Chapa LaVia, D-Aurora) On House Calendar for Second Reading.

Under this amendment to the Criminal Code, a municipality would be barred from prohibiting a police officer from carrying a firearm in the performance of his or her duties, unless the police officer fails to qualify with the firearm, is declared unfit for duty, and is unable to be armed. CONFERENCE OPPOSES

HB 4164: Special Use Permit (Black, R-Danville) On House Calendar for Second Reading.

This proposal would limit a special use permit to a term of no more than five years. In addition, any special use permit granted before the effective date of this Act would expire five years after that effective date. CONFERENCE OPPOSES

HB 4182: Attorney for Village Trustees (Osmond, R-Antioch) On Senate Calendar for First Reading.

Individual members of the board of trustees of a village, under this legislation, would not be able to hire a separate attorney using public funds unless the village attorney is disqualified from, or recuses himself or herself from, representing the member in his or her official capacity.

HB 4385: Abandoned Property (Turner, D-Chicago) On House Calendar for Second Reading.

Under this proposal, a municipality may petition the circuit court to have property declared abandoned if there has been no active water service to the property for two or more years. CONFERENCE SUPPORTS

HB 4417: Fire and Police Officers – Previous Service (Coulson, R-Glenview) On House Calendar for Second Reading.

This legislation would permit a board of fire and police commissioners to waive portions of the required examination for applicants who have previously been full-time sworn officers of a police department of any municipality in the state. The board would keep a second register with rankings in order of their relative excellence as determined by members of the board. (Originally, the bill applied to both police and fire personnel, but was amended in committee.)

HB 4646: Wind Farms (Moffitt, R-Galesburg) On House Calendar for Third Reading.

Municipalities and counties could own and operate a wind generation turbine farm, either individually or jointly, under this bill. The wind farm must directly or indirectly reduce the energy or other operating costs of the municipality or county. CONFERENCE SUPPORTS

HB 4768: Tax Sharing Agreements (Tryon, R-Crystal Lake) On House Calendar for Third Reading.

Under this proposal, two adjacent municipalities may, by intergovernmental agreement, divide the proceeds of local sales taxes between them.

HB 4931: Foreign Fire Insurance Board (Phelps, D-Norris City) On House Calendar for Second Reading.

This legislation would divert the foreign fire insurance payments to the fire insurance board (composed of the fire chief and firefighters) instead of the current provision that such revenue is paid to the municipality. CONFERENCE OPPOSES

HB 5195: Boundary Agreements (Tryon, R-Crystal Lake) On House Calendar for Second Reading.

This legislation would expand the area for boundary agreements. It would provide that two or more municipalities may enter into a boundary line agreement with respect to unincorporated territory that is between the boundaries of the municipalities. Currently, the agreement is limited to 1.5 miles from the municipal boundary. CONFERENCE SUPPORTS

HB 5257: Aggregation of Electric Load (Fortner, R-West Chicago) On House Calendar for Second Reading.

This legislation amends the Illinois Power Act approved in 2007. It makes changes to the requirements for aggregating the residential load, adds small businesses to the process and provides for assistance from the Illinois Power Agency.

HB 5282: Chronic Nuisance (Jefferson, D-Rockford) On House Calendar for Second Reading.

This legislation permits municipalities to regulate chronic nuisance offenses and impose increased penalties for repeated violations. Chronic nuisance offenses includes consumption of alcohol by a minor, mob action, repeat violations of municipal building codes or sanitation codes, noise, and disorderly conduct. CONFERENCE SUPPORTS

HB 5323: Prevailing Wage – Demolition Work (Bradley, D-Chicago) On House Calendar for Second Reading. This expansion of the prevailing wage would bring demolition work under the requirements of the law. CONFERENCE OPPOSES