

# Counties *at the* Capitol

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Illinois Association of County Board Members and Commissioners

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April 25, 2009



## It's time to connect with your legislators!

It's time to act now with thought and energy to advance the IACBMC agenda in the General Assembly. Between now and the end of session, all county board members should establish and maintain contact with their legislators.

**Contacting legislators has never been easier.** Phone calls, e-mails and letters are all viable options. You may also phone the Clerk of the House at 217-782-8223 or the Secretary of the Senate at 217-782-5715 to leave a message for your legislator. If they are in session, your message will be delivered immediately; otherwise the message will be left on the legislator's desk in the chamber to be retrieved the next legislative day.

The State of Illinois website contains a wealth of information about the legislature. You can even listen to the House and Senate while they debate bills at [www.ilga.gov](http://www.ilga.gov).

Illinois lawmakers headed back to the Capitol this week after a two-week break. They have until May 31st (scheduled adjournment) to consider and pass a budget. A larger capital plan also remains a major unfinished piece of business that state legislators hope to push through before the May deadline.

This report is a summary of the most significant bills we are tracking. Removed from this report are all non-active bills. As usual, we are taking positions on those bills that we believe have the greatest county government implications. If there is a bill that you feel strongly about which is not reported here, please contact the Association office at 217-528-5331 to learn of its status.

**We suggest you keep this report, as future reports will be more "issue specific" and may not include a complete description of all the bills we are tracking.**

## Senate Bills **SUPPORTED** by the IACBMC

### **SB 49 (Althoff) Ryg** **IDOT ROAD SALT GRANTS**

**Status: House Executive Committee**

Creates a special reimbursement fund to assist northeast Illinois municipalities, counties and road districts which overpaid for their winter road salt.

### **SB 50 (Althoff) Franks** **IDOT ROAD SALT APPROPRIATION**

**Status: House Executive Committee**

Appropriates \$12,900,000 from the Local Government Road Salt Purchase Reimbursement Fund to IDOT for the purpose of providing the road salt grants.

### **SB 78 (Clayborne) Black** **MOBILE HOMES – FOUNDATION**

**Status: House Revenue Committee**

Requires manufactured homes on private property, outside mobile home parks, be placed on a support system as defined by HUD and assessed as real property.

### **SB 207 (Bond) Sullivan Jr.** **PROPERTY TAX APPEALS**

**Status: House Revenue Committee**

Known as the Property Owner Bill of Rights it enhances information to be provided to the public regarding property tax assessments, including appeals. Spells out

information that must be included with mailed notices of changed assessments.

### **SB 230 (Jones) Reis** **OCCUPATION TAX PROCEEDS**

**Status: House Counties/Township Com.**

Allows counties to share public safety tax funds with fire protection districts.

### **SB 286 (Althoff) Tryon** **FARMLAND PRESERVATION**

**Status: House Counties/Township Com.**

Provides that a county with a population of less than 1,000,000 may (by referendum) levy an annual tax for farmland preservation easement purposes.

### **SB 1414 (Althoff) Sacia** **COUNTY COMPETITIVE BIDS**

**Status: House Counties/Township Com.**

Provides certain county contracts in excess of \$50,000 (instead of \$20,000) must be let by competitive bidding.

### **SB 1451 (Hultgren) Bellock** **COUNTY POWERS**

**Status: House Executive Committee**

Authorizes the county board of a county with more than 500,000 residents to use county funds to sell, lease, or exchange property held by the county.

**SB 1511 (Koehler) Gordon  
COUNTY ORDINANCES**

**Status: House Counties/Township Com.**

Provides that a county board may by resolution or ordinance require that an occupancy permit be obtained for each newly constructed residential dwelling located outside the limits of cities, villages, and incorporated towns. The county board may not require more than one occupancy permit per newly constructed residential dwelling and may not impose a fee on a permit.

**SB 1750 (Noland) Tryon  
PTELL MENTAL HEALTH**

**Status: House Revenue Committee**

Provides that the term "aggregate extension" does not include special purpose extensions made for community mental health purposes. Provides that, if a governmental unit levies a tax for community mental health purposes at a rate of less than 0.15%, that levy may be increased to not more than 0.15% by submitting the question to the voters.

**SB 2012 (Demuzio) Flider  
MULTI-TOWNSHIP ASSESSORS**

**Status: House Revenue Committee**

Provides that, beginning Jan. 1, 2010, townships with less than 2,000 (instead of 1,000) inhabitants shall elect one multi-township assessor with one or more contiguous townships.

**SB 2024 (Schoenberg) Phelps  
COURT CLERK FEE DISBURSEMENT**

**Status: House Judiciary II Committee**

Among other provisions, provides that a county with a drug court may adopt a mandatory fee of \$5 to fund the drug court, less a 5% clerk processing charge, assessed against any defendant found guilty in a traffic case or who is ordered to pay a fine under the Unified Code of Corrections.

**SB 2095 (Bivins) Sacia  
COUNTY JAIL DEDUCTION**

**Status: House Counties/Township Com.**

Allows a sheriff to deduct from a county jail prisoner's commissary fund an amount up to the prisoner's outstanding balance on a fine, restitution or court costs. The Sheriff must receive notification from the Circuit Clerk of any outstanding fine of the prisoner and must provide the prisoner with written notice of any amount deducted.

**Senate Bills OPPOSED by the IACBMC**

**Counties asked to oppose expansion of prevailing wage**

The passage of **Senate Bill 43** would result in the expansion of the Prevailing Wage Act to include not only public works projects, but also projects in Enterprise Zones and TIF Districts, even when public funds are **NOT** utilized in the construction project.

**Senate Bill 43** is likely to substantially increase the construction costs of private projects. Economic development professionals estimate that, if enacted, **Senate Bill 43** would result in increases of 10 to 20 percent in cost per project. It could end up being the death knell for many enterprise zones.

It is believed that the passage of this bill may be just the first step of an expanded prevailing wage requirement for any project which receives funding or assistance from state of Illinois grants, loans or other programs and may eventually encompass not only the construction of but also operations of these facilities. The result of such action would greatly diminish the ability of Illinois to attract private sector investment to the state. **The bill is on 2nd Reading in the House. Please contact your legislators today and ask for a "NO" vote on Senate Bill 43.**



**SB 1265 (Harmon) Hamos  
FREEDOM OF INFORMATION ACT**

**Status: House State Govt. Committee**

Amends the Freedom of Information Act. Provides that "public records" includes all settlement agreements entered into by or on behalf of a public body, provided that information exempt from disclosure under the Act may be redacted.

**SB 1333 (Holmes) Zalewski  
MILITARY LEAVE OF ABSENCE**

**Status: House 3rd Reading**

Requires that a full-time employee of the State, a unit of local government, or a school district who is a member of a reserve component of the U.S. Armed Forces or the Illinois State Militia must be given a leave of absence for any training or duty required by the U.S. Armed Forces not otherwise covered by the Act. If the employee's military pay for that training or duty is less than his or her compensation from the public employer, requires that during the leave the employee receive his or her public employment compensation, minus the amount of the military pay.

**SB 1648 (DeLeo) Brady  
CORONERS SLEP**

**Status: House Executive Committee**

Amends the IMRF Article of the Illinois Pension Code. Provides that an elected or appointed coroner may elect to participate in the Fund as a sheriff's law enforcement employee (SLEP). Allows conversion of prior service. Amends the State Mandates Act to require implementation without reimbursement.

**IACBMC now NEUTRAL!**

**SB 138 (Link) Verschoore  
LOCAL BUILDING CODES**

**Status: House Infrastructure Comm.**

A compromise has been reached on SB 138. The bill now requires the Capitol Development Board to adopt a commercial building code for areas of the state that do not have a current building code. Counties will not be required to adopt, administer and enforce building codes. Also, it does not affect those counties that have existing building codes.

## House Bills SUPPORTED by the IACBMC

**HB 61 (Holbrook) Clayborne  
PUBLIC BUILDING COMMISSION**  
**Status: Senate Local Govt. Committee**  
Provides that a Public Building Commission has the power to employ and discharge without regard to any Civil Services Act "design-build" experts to carry out the purposes of this Act.

**HB 146 (Colvin) Trotter  
COUNTY LAW LIBRARY FEE**  
**Status: Senate Executive Committee**  
Provides a county board may authorize a county law library fee of not to exceed \$18 in 2009, \$19 in 2010, and \$21 in 2011 and thereafter (instead of \$13).

**HB 237 (Tracy) Demuzio  
STATE PROMPT PAYMENT ACT**  
**Status: Senate State Govt. Committee**  
Provides that any bill submitted under Article V of the Illinois Public Aid Code approved for payment must be paid or the payment issued to the payee within 30 days (now, 60 days) after receipt of a proper bill or invoice. If payment is not issued to the payee within this 30-day period, an interest penalty of 2.0% (now, 1.0%) of any amount approved and unpaid shall be added for each month or fraction thereof after the end of this 30-day period, until final payment is made.

**HB 242 (Nekritz) Harmon  
PTELL – DEBT SERVICE EXTENSION**  
**Status: Senate Revenue Committee**  
Amends the Property Tax Extension Limitation Law. Provides that the debt service extension base must be increased by the lesser of 5% or the percentage increase in the Consumer Price Index during the 12-month calendar year preceding the levy year (instead of the percentage increase of the Consumer Price Index for the previous calendar year).

**HB 347 (Holbrook) Clayborne  
COUNTY DETENTION HOMES**  
**Status: Senate Local Govt. Committee**  
Provides that, if the county board of any county has levied a tax for a detention home and cannot adequately support the facility, the county board may expend the tax receipts for detention services purchased through agreements with other governmental units.

**HB 442 (Jefferson) Link  
AUTOMATED TRAFFIC LAW**  
**Status: Senate Commerce Committee**  
Provides that the counties of DeKalb, Macon, McLean and Winnebago may establish an automated traffic law enforcement system.

**HB 460 (Sullivan) Bond  
BUILD ILLINOIS BOND ACT**  
**Status: Senate Local Govt. Comm.**  
Provides that certain bonds that may currently be used for loans or grants to units of local government for wastewater facilities may also be used for grants to serve unincorporated areas.

**HB 466 (Jakobsson) Frerichs  
MUNICIPAL ANNEXATION**  
**Status: Senate Local Govt. Comm.**  
Provides that property in Champaign County that is subject of an annexation agreement is subject to the jurisdiction of the annexing municipality if the property is located within 1.5 miles of the corporate boundaries of the municipality or more than 1.5 miles from the corporate boundaries of the municipality unless the county board retains jurisdiction.

**HB 585 (Sacia) Althoff  
COUNTY COMPETITIVE BIDS**  
**Status: Senate Local Govt. Comm.**  
Provides that in a county with fewer than 2,000,000 inhabitants that certain contracts in excess of \$30,000 (instead of \$20,000) must be let by competitive bidding.

**HB 641 (Mautino) Wilhelmi  
BRIDGE CONSTRUCTION**  
**Status: Senate Transportation Com.**  
In provisions of the Highway Code changes the amount of time funds apportioned for allocation to road districts to be used for bridge construction will lapse if the funds remain uncommitted from 24 months to 48 months.

**HB 722 (Fortner) Koehler  
ILLINOIS POWER AGENCY ACT**  
**Status: Senate 2nd Reading**  
Provides that the corporate authorities of a municipality or county board of a county may adopt an ordinance under which it may aggregate in accordance

with specified provisions residential and small commercial retail electrical loads located within the municipality or the unincorporated areas of the county.

**HB 798 (Wait) Cullerton  
ECONOMIC DEVELOP. GRANTS**  
**Status: Senate Executive Committee**  
Requires the Department of Commerce and Economic Opportunity to develop a program to make grants to local development organizations. Provides that under this program, a county or municipality may apply to the Department for a grant to be awarded to a local development organization in that county or municipality for the purpose of fostering local or regional economic development.

**HB 883 (Connelly) Cullerton  
COUNTIES CODE – SPEC. MEETINGS**  
**Status: Senate Local Govt. Committee**  
Concerning counties under township organization, provides that public notice of a special meeting of a county board must be given as prescribed in the Open Meetings Act (now, publication in a specified newspaper).

**HB 1003 (Poe) Frerichs  
MUNICIPAL CODE – ANNEXATION**  
**Status: Senate Local Govt. Committee**  
Provides that, except for property located in certain counties, if property that is the subject of an annexation agreement is located more than 1.5 miles from the corporate boundaries of the annexing municipality, that property is subject to the ordinances, control, and jurisdiction of the annexing municipality unless the county board retains jurisdiction by the affirmative vote of two-thirds of its members (now, the county board may retain jurisdiction in Boone, DeKalb, Grundy, Kankakee, Kendall, LaSalle, Ogle, or Winnebago County).

**HB 1055 (Dugan) Hutchinson  
TAX RECOVERY – WILL AIRPORT**  
**Status: Senate Revenue Committee**  
Extends provisions concerning tax recovery for taxing districts because of the lease of land for development of an airport in Will County for an additional 10 years (from December 31, 2010 to December 31, 2020).



## Contact your state representative and ask for a "YES" vote on SB 78

**Senate Bill 78**, an initiative of the IACBMC, seeks to bring fairness and equity in how property is treated outside mobile home parks. The bill requires that manufactured homes on private property be placed on a support system defined by HUD and approved by IDPH and assessed as "real property".

### **HB 1597 (Phelps) Forby CORONERS FEES**

**Status: Senate Local Govt. Comm.**  
Concerning coroner's fees, increases the fee for autopsy reports, cremation permits, transcripts, toxicology reports, and miscellaneous reports. Allows a coroner to waive the permit fee to cremate a dead human body if the coroner determines that the person is indigent and unable to pay the permit fee or under other special circumstances.

### **HB 2400 (Lang) Schoenberg STATE PROMPT PAYMENT ACT**

**Status: Senate State Govt. Comm.**  
In provisions including services and supports for persons with developmental disabilities, mental health services, alcohol and substance abuse services, rehabilitation services, and early intervention services within the definition of "goods or services furnished to the State", removes the exclusion of hospitals licensed under the Hospital Licensing Act, units of local government, and universities from the definition of a "vendor".

### **HB 3630 (Gordon) Koehler COUNTY CARE**

**Status: Senate Local Govt. Comm.**  
Allows the county board of any county with a 3-member county board for care and treatment of persons with a developmental disability to increase the board to 5 members.

### **HB 3718 (Kosel) Harmon COUNTIES CODE – ZONE TOWERS**

**Status: Senate Telecom. Committee**  
In provisions concerning specified telecommunication facilities in any county with a population of 180,000 or more, adds that a county board may grant variations after one public hearing held at a zoning or other appropriate committee meeting with proper notice.

### **HB 3779 (Flider) Rutherford HOME SERVICES AGENCY**

**Status: Senate 2nd Reading**  
Provides that the Dept. of Public Health may not charge any fee to a certified local health department in connection with the licensure of a home services agency or home nursing agency.

# Update

## ... on the capital infrastructure program and FOIA rewrite

### **Capital Infrastructure Program**

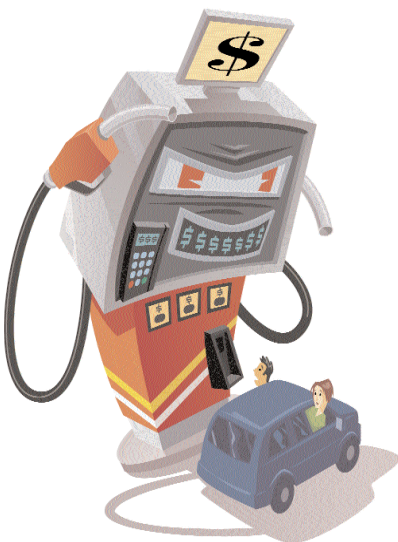
The Senate Transportation Committee met earlier this week for a subject matter hearing on the topic of transportation capital investments. It now looks as though a more complex follow-up capital program will be negotiated and approved before the session ends in May. Two major funding concepts – an income tax hike and increased gas tax – are still on the table as possible revenue sources for a capital infrastructure program. Regardless of the funding source, it is critical that local governments receive their fair share and are treated equitably in any capital bill. IACBMC staff are meeting with lawmakers to ensure the distribution of funds reflect the traditional distribution between downstate Illinois and the Chicago region.

### **Freedom of Information Act Revisions**

We continue to monitor Attorney General Lisa Madigan's proposed pieces of legislation to reform the Freedom of Information Act (FOIA). Officials from the attorney general's office, the Illinois Press Association and several other open-government groups drafted the proposed rewrite of the FOIA. Their work has taken form in the General Assembly as **House Bill 1370** and **House Bill 4165**. Amendments to both bills are expected.

### **Historic Sites Reopen**

Communities throughout the state received some good news over the spring break, when the reopening of over a dozen state historic sites was announced. In early April, the General Assembly approved the \$1.6 million appropriation necessary to reopen the sites. Several sites reopened on April 22, with other facilities opening later due to required maintenance.



## House Bills OPPOSED by the IACBMC

### HB 547 (Pihos) Radogno IDENTITY PROTECTION ACT

**Status: Senate Executive Committee**  
Creates the Identify Protection Act. Defines "identity protection policy". In provisions concerning the public inspection and copying of information and documents, provides that a person or State or local government agency must redact social security numbers from information or documents containing all or any portion of an individual's social security number. Requires each State or local government agency to develop and approve an identity-protection policy within 12 months after the effective date of the Act.

### HB 952 (Beiser) Haine PREVAILING WAGE – DEMOLITION

**Status: Senate Labor Committee**  
Provides that the Prevailing Wage Act applies to the demolition of public works.

### HB 2332 (Gordon) Cullerton LOCAL GOVT. – MISSING PERSONS

**Status: Senate Criminal Law Comm.**  
Amends the Missing Persons Identification Act. Revises the list of persons who are considered a "high-risk missing person". Requires law enforcement agencies to actively search for high-risk missing persons that may be in the area. Provides that law enforcement agencies must comply with the requirements of the Act. Limits the exercise of concurrent home rule powers. Provides that the Act is exempt from the reimbursement requirements of the State Mandates Act.

### HB 3664 (Jackson) Sullivan CERTIFICATE OF ERROR

**Status: Senate 2nd Reading**  
Amends the Property Tax Code. In counties of less than 3,000,000, provides that if an owner fails to file an application for any homestead exemption (instead of only the senior assessment freeze), a certificate of error may be issued.

### HB 3746 (Leitch) Koehler WIND TOWERS

**Status: Senate Local Govt. Comm.**  
Amends the Counties Code and the Illinois Municipal Code. Provides that a county or municipality may not require a

## Equal pay record keeping bill advances to the Senate

**House Bill 3634** sponsored by Rep. Barbara Currie (D-Chicago) and Sen. Kimberly Lightford (D-Maywood) amends the Equal Pay Act.

It increases the time frame in which employers must keep certain pay records from the current three years to five years. Currently, a legal action for an alleged violation of the Equal Pay Act may be brought within three years from the date the employee learned of any underpayment. This bill now gives them five years from the date of underpayment.



Under **House Bill 3634**, an employee or former employee may file a signed complaint with the Illinois Department of Labor alleging a violation of the Act. All complaints must be filed with the Department within one year from the date of alleged underpayment. **House Bill 3634** passed the House on a vote of 89-26 and awaits consideration by the Senate Labor Committee.

**Please contact your Senator today and ask for a "NO" vote on House Bill 3634.**

wind tower or other renewable energy system that is used exclusively by an end user to be setback more than 1.1 times the height of the renewable energy system from the end user's property line.

### HB 4120 (Walker) Kotowski PROPERTY TAX – VACANT FACILITY

**Status: Senate Revenue Committee**  
Amends the Property Tax Code. Provides that any taxing district may order the county clerk to abate its taxes on any property if (i) a new business first occupies a facility located on the property during the taxable year, and (ii) the facility was vacant for a period of at least 24 continuous months prior to being occupied by the business. Provides that the abatement requires a majority vote of the governing authority of the taxing district. Provides that the taxing district may abate all or a portion of its taxes on the qualified property. Provides that the abatement shall not exceed a period of 5 years and the aggregate amount of abated taxes for all taxing districts combined shall not exceed \$4,000,000.

### HB 4122 (Chapa Lavia) Holmes PEACE OFFICER FORCE

**Status: Senate Criminal Law Comm.**  
Amends the Criminal Code of 1961. Provides that it is unlawful for any governing body, State agency, county government, local municipality, or institute of higher learning that employs peace officers to prohibit a peace officer from carrying a firearm in the performance of his or her duties, unless the peace officer fails to qualify with the firearm, is declared unfit for duty, and is unable to be armed. **Note: House Amendment No. 1 limits the scope of the bill to institutes of higher learning.**

**May 8:** Deadline for substantive House bills and Senate bills out of Committee.

**May 22:** Deadline Third Reading of House bills and Senate bills.

**May 31:** Session Adjournment

## Request for Support of a Resolution for a Comprehensive State Capital Infrastructure Program



### Dear County Board Members:

The General Assembly is likely to vote on a State Capital Infrastructure Program prior to adjournment in May. The Illinois Association of County Board Members believes it is important for our voices to be heard in Springfield. Therefore, we have drafted a sample resolution for your consideration. We would appreciate your serious consideration of our request. If your county chooses to adopt this or a similar resolution, please email a copy to [iacbm@msn.com](mailto:iacbm@msn.com) and mail copies to the following people:

**The Honorable Pat Quinn, Governor**  
State of Illinois  
Room 207 State House  
Springfield, Illinois 62706

**The Honorable Michael J. Madigan**  
Speaker of the House  
Room 300 State House  
Springfield, Illinois 62706

**The Honorable John Cullerton**  
President of the Senate  
Room 327 State House  
Springfield, Illinois 62706

**The Honorable Tom Cross**  
House Republican Leader  
Room 316 State House  
Springfield, Illinois 62706

**The Honorable Christine Radogno**  
Senate Republican Leader  
Room 309A State House  
Springfield, Illinois 62706

**Also, send a copy to your State Senator  
and State Representative.**

## RESOLUTION URGING PASSAGE OF A COMPREHENSIVE CAPITAL INFRASTRUCTURE PROGRAM

WHEREAS, passing a comprehensive Capital Infrastructure Program in the 2009 Legislative Session is critical to Illinois; and

WHEREAS, ten years have passed since the Illinois General Assembly and Governor last passed and signed into law a comprehensive Capital Infrastructure Program; and

WHEREAS, local communities are facing the problem of maintaining their roadways, bridges, water systems and sewer systems to meet growing needs; and

WHEREAS, units of local government have responsibility for over 88% of the public roads; and

WHEREAS, Motor Fuel Tax Allocations for municipal, county and township roads and bridges are only 10% higher than they were eight years ago, yet the cost of construction on local roads is 90% higher during that same timeframe; and

WHEREAS, the Motor Fuel Tax has not been changed since it was raised to 19 cents a gallon in 1990; and after expenses are removed the balance of the 19 cent Motor Fuel Tax is distributed as follows: 45.6% to the state, 26.7 % to municipalities; 19.1% to counties; and 8.6% to townships; and

WHEREAS, it is extremely important that the dollars are divided by formula and that the current formula is kept intact; and that units of local government have the opportunity to control what projects will be funded in their respective jurisdictions; and

WHEREAS, regardless of the funding source (a Motor Fuel Tax or income tax increase), it is critical that local governments receive their fair share and are treated equitably in any capital bill; and

THEREFORE, BE IT RESOLVED that the Illinois Association of County Board Members and Commissioners and all units of local government believe it is imperative that a comprehensive capital infrastructure bill be passed in 2009; and that local governments receive an equitable share of such capital infrastructure program to be delivered through existing formula.

*Add your closing*