

**Item #11:**  
**Village Clerk Schultheis**  
Legislative Updates

**David Lothspeich**

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**From:** IML Legislation [IMLLegislation@iml.org]  
**Sent:** Friday, March 15, 2013 3:49 PM  
**Subject:** Illinois Municipal League Statehouse Briefing - March 15, 2013

# IML Statehouse Briefing



**On the ground news and insider information!**

**March 15, 2013**

The deadline to move bills out of House and Senate committees is Friday, March 22. We anticipate that next week will be a frenzy of activity as legislators scramble to move their bills out of committees and to the House and Senate Floors.

Legislators continued to debate gun legislation during another “weekly order of business.” Several amendments to impose safety regulations on firearm ownership were debated and narrowly approved. The particular proposals included gun registration requirements, a requirement that lost or stolen firearms be reported to the Illinois State Police within 72 hours, and a requirement that firearm owners lock up their guns if they live with an individual that suffers from a mental illness. An amendment to ban ammunition magazines that can carry more than 10 rounds was defeated. Legislators also defeated an amendment imposing a \$50 fee on firearms permits, as well as a mental health screening requirement for prospective gun owners.

Pension reform was another “headline” issue that was discussed and voted on in both chambers this past week. The House approved two bills and sent them over to the Senate. The Senate Executive Committee approved two bills and sent them to the Senate Floor. More information about these bills is [available here](#).

Here is the status of several bills of interest to municipalities:

**Home Rule Referendum:** [HB 2396](#) (Rep. Sosnowski, R-Rockford) is an IML initiative to insert a standard ballot question within state statute for use during a referendum to rescind home rule status. The bill was approved by the House Executive Committee 11-0 and is currently on the House Floor.

## **IML SUPPORTS**

**Alternate Revenue Bonds:** [HB 983](#) (Rep. McSweeney, R-Cary) received an amendment worked on by the IML that removes our opposition. The bill as amended was approved by the House Cities and Villages Committee by a vote of 14-2. The content of the amendment is [explained here](#). The bill is currently on Second Reading in the House.

**Property Tax Limitations:** There are currently several bills that would impose limits on property tax collections. The House bills are [89](#), [95](#), [1310](#), [1499](#), [3041](#), and [1521](#). The IML has a [Fact Sheet](#) for these bills. The Senate bill is [SB 1308](#). **IML OPPOSES**

**Reporting Requirement Expansion:** [HB 1555](#) (Rep. Sandack, R-Downers Grove) would impose additional reporting requirements on local governments. The bill provides that the Illinois Transparency and Accountability Portal (ITAP) shall include information on the employees and

individual consultants, expenditures, grant funds received, contracts of all units of local government with taxing powers, and unfunded obligations of the State. The bill was approved by the House Cities and Villages Committee by a vote of 16-0 and is currently on the House Floor. The sponsor indicated his interest in working with affected parties on an amendment. **IML OPPOSES**

**Firefighter Survivor Pension Increase:** [HB 1375](#) (Rep. Beiser, D-Alton) increases the pension payable to the guardian of a child from 12% to 20% of the firefighter's monthly salary in certain cases where a deceased firefighter left a surviving minor child but no surviving spouse. The bill was approved by the House Personnel and Pensions Committee by a vote of 10-0. **IML OPPOSES**

**Firefighter Duty Disability Expansion:** [HB 1377](#) (Rep. Dan Burke, D-Chicago) was not called for a vote in the House Personnel and Pensions Committee this week. The bill expands eligibility for 65% of salary duty disability pension benefits by defining "act of duty" to include participation in training activities designed to enhance the skills and abilities of the firefighter, whether within or away from the municipality he or she serves as a firefighter, if the assignment is related to the fire protection service of the municipality. The bill provides that such activity shall continue to be considered an "act of duty" even if performed without compensation. We have a [Fact Sheet](#) available for this legislation. **IML OPPOSES**

**Property Tax Statute of Limitations:** [SB 1633](#) (Sen. Emil Jones III, D-Chicago) concerns refunds for erroneous assessments or overpayments. The bill provides that if the right to a refund arose on or after January 1, 1992, a claim for refund shall not be allowed unless a petition is filed with the circuit court or a claim is made to the county collector within 20 years after the date the right to a refund arose. The bill also provides that each county collector must maintain payment image records for a minimum of 20 years after the date of payment. The bill was approved by the Senate Revenue Committee and is currently on the Senate Floor. **IML OPPOSES**

**Prevailing Wage Exemption:** [HB 2888](#) (Rep. Sacia, R-Freeport) would exempt projects of \$20K or less from prevailing wage requirements. The bill was defeated by a vote of 8-10 in the House Labor and Commerce Committee. **IML SUPPORTED THE BILL**

**Snow Removal:** [HB 2455](#) (Rep. Fortner, R-West Chicago) would provide that ice or snow plowed or removed from a residential driveway may not be deposited upon a public highway if it creates a traffic safety hazard as determined by local or State police. The bill was approved by the Transportation: Regulation, Roads, and Bridges Committee by a vote of 16-0. **IML SUPPORTS**

**Police and Firefighter Applicants:** [SB 1908](#) (Sen. Barickman, R-Bloomington) provides that an applicant need not possess an associate's degrees if they have acquired specified military experience. The bill was approved by the Senate Local Government Committee on a 9-2 vote and is currently on the Senate Floor. An amendment has been filed to apply the waiver to only police applicants.

**FOIA and E-Mails:** Two bills concerning FOIA and e-mails are advancing in the House. [HB 2930](#) (Rep. Unes, R-Pekin) amends FOIA to authorize and, in some circumstances require, a public body to respond by electronic mail to requests for public records that it has received by electronic mail. This bill was approved by the House State Government Administration Committee by a vote of 19-0. [HB 2747](#) (Rep. Conroy, D-Villa Park) authorizes written FOIA requests to be submitted to a public body by electronic mail. The bill requires that each public body post an email address where requests for public records may be directed. This bill was approved by the House State Government Administration Committee by a vote of 16-2. Both bills are presently on the House Floor. The IML is concerned about HB 2747 because some very small municipalities do not utilize computers.

**Local Taxation Review:** [HB 1557](#) (Rep. Sandack, R-Downers Grove) would institute an Illinois Review Board to review and evaluate the use of taxing authority by units of local government. The bill provides that the Board shall annually report its findings to the Governor and General Assembly. The bill further provides that the Illinois Transparency and Accountability Portal (ITAP) shall make

available the reports of the Illinois Review Board. The bill was approved by the House Cities and Villages Committee by a vote of 12-4.

**Gaming:** [SB 1739](#) (Sen. Link, D-Waukegan) would [expand gaming](#) in Illinois. The bill received approval from the Illinois Senate Executive Committee last week and is currently on Third Reading in the Senate. This is the third gaming bill to be considered by the Senate in three years.

**Election Offices:** [HB 1560](#) (Rep. Kosel, R-Mokena and Sen. Harmon, D-Oak Park) was enacted into law by the Governor as P.A. 98-0004. The new law allows election offices to close on certain religious holidays during early voting periods in 2013 as long as two additional hours are added on three other days.

**Local Government Consolidation:** [HB 1045](#) (Sen. Holmes, D-Aurora) would extend the deadline for the Local Government Consolidation Commission report until September 30, 2013. The bill was sent by the Senate Committee on Assignments to the Senate Floor.

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**From:** IML Legislation [IMLLegislation@iml.org]  
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# IML Statehouse Briefing



On the ground news and insider information!

February 22, 2013

Only the House met this week. The issue of gun control and concealed carry were the focus of a marathon House Judiciary Committee. Members of the committee heard testimony from many stakeholders ranging from the National Rifle Association to the Cook County State's Attorney.

Next week, both Chambers will meet. The deadline for introducing bills in the House is Tuesday, February 26. The deadline for introduction of Senate Bills was February 15. At this time, there are over 5,100 bills that have been introduced. The deadline for getting bills approved at the committee level is March 22.

Over the next month, members of the General Assembly will be reviewing countless bills. This is why it is important for municipal officials to be informing their legislators on how these legislative measures impact their communities.

**Sales Tax Borrowing:** For the third time since January, the House Executive Committee approved an amendment to borrow revenue from the Local Government Tax Fund in order to fund the regulation of medical professionals.

The Committee voted to approve House Amendment 1 to [SB 622](#) (Speaker Madigan, D-Chicago). Just as with a prior version, the bill as amended calls for the transfer of \$6.2 million from the Local Government Tax Fund to the Illinois State Medical Disciplinary Fund. The State would then be required by statute to repay the amount of that transfer over the next three years by making three payments of \$2.2 million from the Illinois State Medical Disciplinary Fund to the Local Government Tax Fund. The bill also increases licensing fees for medical professionals.

SB 622 arrived in the House after being approved by the Senate on Thursday, February 14. The bill is presently on Third Reading in the House. **IML OPPOSES.**

**LGDF Direct Deposit:** Local Government Distributive Funds have been delayed an average of over 3 months over the last year. As part of the IML agenda, legislation has been introduced that would require stable and timely payments of local government distributive funds to municipalities and counties. Representative DeLuca (D-Chicago Heights) has introduced [HB 961](#) and Senator Hutchinson (D-Chicago Heights) has introduced [SB 2334](#). These bills are identical and they require the state to directly transfer the appropriate amount of funds received through the state income tax into the local government distributive fund for distribution to municipalities and counties. We would like to thank Representative DeLuca and Senator Hutchinson for sponsoring this needed legislation for municipal government.

**For this bill to pass, we need your legislators to publicly support this legislation.** Twenty-two State Representatives have signed on to co-sponsor HB 961 but more are needed. **Please ask your State Representative to co-sponsor HB 961 and your State Senator to co-sponsor SB 2334.** In addition, please let IML know where your legislators stand on this issue and if they have agreed to co-sponsor the legislation.

**Early Voting:** The House approved [HB 1560](#) (Sen. Harmon, D-Oak-Park) on Thursday, February 21 and it will now be considered by the Senate. The bill amends the Election Code to provide that, when the religious holidays of Good Friday, Holy Saturday, and Easter Sunday occur during the early voting period, an election authority may close an early voting place on those days if the early voting location remains open two hours later on April 3, 4, and 5 of 2013. **IML SUPPORTS.**

**Tax Cap Limits:** Several bills have been introduced that would limit the revenues of communities that are subject to tax caps. These bills generally work the same; they would prohibit a tax-capped government from being able to collect inflationary increases in the capped levy.

[HB 89](#) (Rep. Franks, D-Woodstock) provides that, if the current year EAV is less than the previous year EAV, the extension limitation is zero or the rate of increase approved by referendum. [IML has prepared a Fact Sheet on this bill.](#) **IML OPPOSES.**

[HB 95](#) (Rep. McSweeney, R-Cary) provides, for tax years 2013-2015, that the extension limitation is zero or the rate of increase approved by a referendum (note that this applies regardless of whether EAV has dropped.) **IML OPPOSES.**

[HB 1310](#) (Rep. Franks, D-Woodstock) provides that, for tax years 2013 and 2014, the extension limitation is zero or the amount approved by referendum if the current year EAV is less than the previous year EAV. **IML OPPOSES.**

**TIF:** [HB 197](#) (Rep. Mayfield, D-Waukegan) would amend the TIF statute to provide that three years after a redevelopment project area is established, the portion of taxes levied by a school district located in the redevelopment project area shall be allocated and paid to the school district in the manner required by law in the absence of the adoption of tax increment allocation financing. This bill would have obvious negative implications for TIF financing because it would wither the amount of the increment before the project could become functional. The bill was called in the [Elementary and Secondary Education Committee](#) on Wednesday, February 20, 2013. When it became apparent that the bill did not have the votes to pass out of committee, the sponsor decided to hold the bill for future negotiations. This bill would seriously harm the fundamental concept of TIF financing. Please contact your Representatives and ask them to oppose HB 197. **IML OPPOSES.**

**Licensing Tobacco Stores:** [HB 1202](#) (Rep. Sosnowski, R-Rockford) allows all municipalities to regulate, locate, and prohibit retail tobacco stores. This bill was approved by the House Cities and Villages Committee. **Both the Illinois Municipal League and the Northwest Municipal Conference supported the bill in committee.** The bill is opposed by the Illinois Retail Merchants. The bill is now on the House Floor for its consideration.

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