

Item #14:
Village Clerk Schultheis
Legislative Updates

David Lothspeich

From: IML Legislation [Legislation@iml.org]
Sent: Thursday, March 17, 2011 4:32 PM
To: IML Legislation
Subject: IML Statehouse Briefing - March 17, 2011

IML STATEHOUSE BRIEFING

“On the ground news and insider information!”
 3-17-11

The General Assembly concluded substantive committee work this week by taking action on several bills. The House Cities and Villages Committee sided with organized labor on several issues before them this week. Other committees produced mixed results on issues that affect municipal government.

The committee process significantly reduces the number of bills being considered by the General Assembly. IML staff will spend the next several days assessing the legislative environment and prioritizing our efforts and resources to achieve as many favorable outcomes as possible as the session grinds onward.

Key Legislation Approved by Committees....

Firefighters Hiring Procedures: [HB 1576](#) (Rep. Dugan, D-Bradley) would remove local control by establishing statewide hiring procedures for firefighters. Municipalities that have fire departments will face an added expense because they will have to change their testing, scoring and hiring procedures for firefighters. This bill was approved by the House Cities & Villages Committee on Tuesday, March 15. [Click here](#) to read more on this legislation. **IML OPPOSES**

FOIA Exemption: [HB 3137](#) (Rep. Eddy, R-Hutsonville) would remove a provision under FOIA that requires public bodies to seek pre-authorization from the Public Access Counselor before opting not to disclose certain types of personal information. The bill also exempts certain personal information involving public employees including birth dates, medical information and names of applicants for public employment. The bill was approved by the House Executive Committee on Thursday, March 17. **IML SUPPORTS**

Classification of Soil - CCDD: [HB 3371](#) (Rep. Fortner, R-West Chicago) defines how to classify soil from a right-of-way for purposes of disposing the soil in a clean construction or demolition debris or soil only facility. The purpose of this bill is to alleviate a concern raised by many municipal officials, especially public works directors, regarding the additional testing and cost for disposing clean soil. The bill was approved by the House Environment and Energy Committee on Wednesday, March 16. **IML SUPPORTS**

Collection of Debts from Employees: [HB 1513](#) (Rep. Dugan, D-Bradley) allows a deduction from a municipal employee's wages to occur for any debt, including an overpayment. An employee's wages may not be deducted by more than 15% per pay period and employees have rights to refute the debt. The bill was approved by the House Labor Committee on Wednesday, March 16. **IML SUPPORTS**

Special Service Area Notices: Despite opposition by the IML, [HB 1883](#) (Rep. Rita, D-Blue Island) passed out of the House Revenue and Finance Committee. The bill sets additional requirements for notice and hearings concerning special service areas. The IML opposes the bill because it unnecessarily increases the amount of property taxes levied in a special service area, and reduces the flexibility to address the needs for improvements. [Click here](#) for a Fact Sheet on HB 1883. **IML OPPOSES**

LGDF to Fire Protection Districts: [HB 1362](#) (Rep. Moffit, R-Gilson) was amended and passed the House State Government Administration Committee with a commitment of the proponents to attempt to work with the IML. This bill would take Local Government Distributive Funds from any municipality that did not pay their fire protection district bill within 180 days for services rendered. **IML OPPOSES**

Key Legislation Defeated or Remaining in Committees....

Manning: Two manning level bills were defeated in House Committees this week. [HB 3044](#) (Rep. Bellock, R-Westmont), an IML-initiative, remained in the House Cities and Villages Committee. Another bill, [HB 1459](#) (Rep. Cunningham, D-Chicago), failed to emerge from the House Judiciary I - Civil Law Committee. [Click here](#) for more information about these bills.

PEDA: [HB 2925](#) (Rep. Pihos, D-Glen Ellyn) was defeated in the House Cities and Villages Committee on Tuesday, March 15. The bill was an IML-initiative to remove police officers and firefighters from the Public Employee Disability Act while providing for workers' compensation as the default duty disability benefit. [Click here](#) for more information.

Workplace Litigation: [Amendment 1 to HB 942](#) (Rep. Howard, D-Chicago) was defeated in the House Labor Committee on Wednesday, March 16. This IML-opposed bill would have contributed to additional workplace litigation for public entities. [Click here](#) for more information.

Prevailing Wage: [HB 3094](#) (Rep. Tryon, D-Crystal Lake) was defeated in the House

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Labor Committee on Wednesday, March 16. The bill would have exempted all projects valued at less than \$20,000 from the Illinois Prevailing Wage Act. Organized labor opposed the bill. The IML supported HB 3094.

Pension Fund Opt-Out: [HB 1901](#) (Rep. Hatcher, R-Yorkville) was defeated in the House Personnel and Pensions Committee on Thursday, March 17. The bill would have provided the opportunity for smaller municipalities to forego the creation of a police or firefighter pension fund if mandated to create a fund following the new 2010 census numbers. The IML supported HB 1901.

Longer Tractors/Trailers: [HB 22](#) (Rep. Sacia, R-Pecatonica) did not receive the required number of votes to clear the House Transportation, Vehicles and Safety Committee on Wednesday, March 16. The latest amendment would have allowed for an increase of tractor/trailer combinations from 55 feet to 60 feet. The IML opposed the bill.

Red Light Cameras: [SB 26](#) (Sen. Duffy, R-Barrington) was not called in the Senate Transportation Committee. The bill would have prohibited municipalities and counties from issuing citations for right turns on red violations from an automated traffic control enforcement system. The IML opposes SB 26.

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David Lothspeich

From: IML Legislation [Legislation@iml.org]
 Sent: Monday, March 14, 2011 4:24 PM
 To: IML Legislation
 Subject: IML Statehouse Briefing - March 14, 2011

IML STATEHOUSE BRIEFING
"On the ground news and insider information!"
3-14-11

This is the final week for legislators to move their bills out of committees. Committee hearings will be lengthy as individual legislators move in and out of the various committee hearings to advance as many of their bills as possible to the House and Senate floors. Many bills will also receive amendments, meaning that it will be of critical importance for the IML legislative staff to pay exceedingly close attention to Statehouse activity. The IML has several bills on which we will be working. This *Statehouse Briefing* focuses on some of the most critical. **We have provided links to committee members and request that our membership contact the legislators and make them aware of your municipality's position on the bills.**

Manning Requirements: [HB 3044](#) (Rep. Bellock, R-Westmont) would provide that municipalities are **not required to submit to arbitration with respect to public safety manning levels**. The bill is posted for the [House Cities and Villages Committee](#) on Tuesday, March 15 at 4 p.m. [Click here](#) for a Fact Sheet. **IML SUPPORTS**

An IML-opposed manning bill, [HB 1459](#) (Rep. Cunningham, D-Chicago), would require that municipal governments bargain over manning requirements and would subject the process to binding arbitration with respect to police officers. The bill is posted for the [House Judiciary I - Civil Law Committee](#) on Wednesday, March 16. **IML OPPOSES**

PEDA: [HB 2925](#) (Rep. Pihos, R-Glen Ellyn) would **create parity between public safety employees and all other municipal employees** by providing that injuries sustained while working merit workers' compensation benefits and not full salary for up to one year. The bill is posted for the [House Cities and Villages Committee](#) on Tuesday, March 15 at 4 p.m. [Click here](#) for a Fact Sheet. **IML SUPPORTS**

Firefighters Hiring Procedures: [HB 1576](#) (Rep. Dugan, D-Bradley) would **remove local control** by establishing statewide hiring procedures for firefighters. Although these procedures are similar to what is currently found in the statute, this legislation **restricts home-rule communities** from any deviation from the statute. The bill is scheduled to be heard on Tuesday, March 15 in the [House Cities & Villages Committee](#). [Click here](#) to read more on this legislation. **IML OPPOSES**

Red Light Violations: [SB 26](#) (Sen. Duffy, R-Barrington) would **prohibit counties and municipalities from issuing tickets for right turns on red**. This bill is posted for the [Senate Transportation Committee](#) hearing on Tuesday, March 15 at 3 p.m. **IML OPPOSES**

Road Fund: [SB 143](#) (Sen. Sandoval, D-Cicero) provides that **30% of the total amount deposited into the Road Fund** shall be appropriated to the Department of Transportation to be **used for projects in Cook County**. This bill is posted for the [Senate Transportation Committee](#) on Tuesday, March 15.

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David Lothspeich

From: IML Legislation [Legislation@iml.org]
Sent: Thursday, March 10, 2011 12:08 PM
To: IML Legislation
Subject: IML Statehouse Briefing - March 10, 2011

IML STATEHOUSE BRIEFING
"On the ground news and insider information!"
3-10-11

Several bills supported by the IML were approved by House and Senate committees this week. Included among these bills was our initiative to require that state-shared income tax revenue be directly deposited into the LGDF fund for prompt disbursement to municipalities and counties. In addition to this bill, three IML-supported FOIA reform bills were approved and remain viable within the General Assembly. The IML's legislative staff was ably assisted in moving these bills forward by mayors and other local officials. The success we enjoyed this week underscores just how important it is for local officials to come to Springfield to champion issues that matter to their communities.

LGDF Direct Deposit: The Senate Revenue Committee approved the IML's legislation to require that state-shared income tax revenue be directly deposited into the Local Government Distributive Fund. [Click here](#) to read more about **SB 1921. IML SUPPORTS**

Vexatious FOIA Requests: **SB 1645** (Sen. Maloney, D-Chicago) was amended and approved by the Senate Executive Committee. The bill seeks to address FOIA requests that are considered repetitive, overly-burdensome, or harassing. [Click here](#) to learn more about the bill. **IML SUPPORTS**

Additional FOIA Reforms: The House Judiciary Committee approved two IML-supported FOIA bills. These bills concern the reproduction of records already available on a website and the cost of obtaining records held at a storage facility. [Click here](#) for more information about these bills. **IML SUPPORTS**

Pension Abuse Bills: Several bills have been introduced to address the issue of public pension abuse. Such abuses include "salary spiking" and "double-dipping." [Click here](#) to learn about these bills.

Motor Fuel Tax Reduction Proposed to Fund Rail Crossing Separations: **SB 1381** (Sen. Sandoval, D-Cicero) is an initiative of the Illinois High Speed Rail Association and proposes to take \$60 million annually (\$15 million annual cost to municipalities) out of the Motor Fuel Tax (MFT) Fund to support grade separations at rail crossings. The Illinois Municipal League testified against the proposed MFT reduction which passed the Senate Transportation Committee and will be held on 2nd reading for further discussions. **IML OPPOSES**

Municipal & School District Limitation on Purchasing Vehicles: **SB 1559** (Sen. Koehler, D-Peoria), which proposes to prohibit municipalities and school districts from purchasing vehicles assembled outside of the United States, did not receive a sufficient number of votes to move out of the Senate Local Government Committee. An IML representative testified against the measure, based upon it creating an unfunded mandate and that many Chevrolet Impalas, currently purchased for police vehicles, are assembled outside of the U.S. **IML OPPOSES**

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Legislators Introduce Bills to End Pension Abuse

By [Joe McCoy](#), Senior Legislative Advocate, IML

A great deal of media attention has been devoted to public pension abuses. Several bills have been introduced this year to rectify these problems. The IML supports efforts to change provisions in the law that permit such abuses to occur. The following bills seek to curb such practices:

Pension "Salary Spiking"

HB 3076 (Representative Harris, R-Mt. Prospect)
House Bill 3076 amends the Illinois Municipal Retirement Fund (IMRF) Article of the Illinois Pension Code. The bill provides that, if the amount of a participating employee's earnings for any calendar year used to determine the participating employee's retirement annuity exceeds the amount of his or her earnings with the same participating municipality or participating instrumentality for the previous calendar year by more than 6%, then the participating municipality or participating instrumentality must pay to the fund the present value of the increase in benefits resulting from the portion of the increase in earnings that is in excess of 6%. The bill further provides that the Fund must exclude certain earnings when assessing payment for any amount due under this provision. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately. **Assigned to House Personnel and Pensions Committee.**

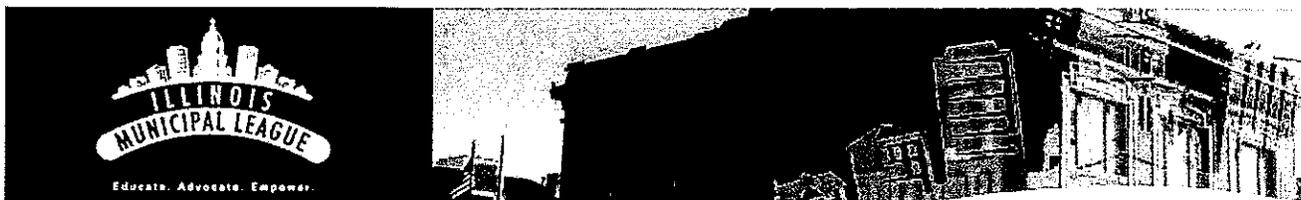
HB 3426 (Representative Harris, R-Mt. Prospect)
House Bill 3426 amends the Illinois Municipal Retirement Fund (IMRF) Article of the Illinois Pension Code. The bill provides that lump sum payments for retirement, severance, or sick or vacation time may not be used to calculate the final rate of earnings. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately. **Assigned to House Personnel and Pensions Committee.**

HB 3427 (Representative Harris, R-Mt. Prospect)
House Bill 3427 amends the Illinois Pension Code. The bill requires all pension funds and retirement systems established under the Code to exclude the following items when computing the compensation, salary, or wages upon which an annuity, pension, or other benefit is to be based: (i) lump sum payments for retirement, severance, and sick or vacation time and (ii) any annual increase in compensation, salary, or wages of more than 6%. Applies only to persons who are participants on the effective date or who first become participants on or after the effective date. Effective immediately. **Assigned to House Personnel and Pensions Committee.**

Pension System "Double Dipping"

HB 3375 (Representative McCarthy, D-Orland Park)
House Bill 3375 amends the Illinois Pension Code. Provides that if a member or participant of a retirement system or pension fund subject to this Code is receiving a retirement annuity or retirement pension under that system or fund and becomes a member or participant of any other system or fund created by this Code and is employed on a full-time basis, then the person's retirement annuity or retirement pension under that system or fund shall be suspended during that employment. Effective July 1, 2011. **Assigned to House Personnel and Pensions Committee.**

HB 3116 (Representative Jefferson, D-Rockford)
House Bill 3116 creates the Public Pension Abuse Abatement Act. The bill authorizes and directs the Governor to execute a compact on behalf of the State with any other state to end abuse of public pension programs. The bill provides that the compacting states shall agree that no governmental employer under the jurisdiction of any state shall pay wages or salary to any public pension fund annuitant unless that annuitant elects to suspend his or her pension for the duration of his or her employment. Effective immediately. **Assigned to House Personnel and Pensions Committee.**



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Committee Approves FOIA Reforms

By [Ashley Niebur](#), Staff Attorney, IML

On Wednesday, March 9, the House Judiciary committee approved two bills regarding requests under the Freedom of Information Act. HB 1715 and HB 1716 were both introduced by Representative Jim Durkin (R-LaGrange).

[HB 1715](#) passed the committee unanimously and would provide that records that are available on a public body's website do not have to be reproduced in print as the result of a FOIA request. **IML SUPPORTS**

Another bill, [HB 1716](#), which was amended and passed, would provide that a public body may charge a requester for the actual cost of retrieving and transporting records which are stored off-site by a third party storage company. The amendment on HB 1716 provides an exception for news media requests. **IML SUPPORTS**



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Tutorial

David Lothspeich**From:** Paul Nicolosi [rachel@thebuckleycompanies.com]**Sent:** Thursday, March 17, 2011 3:18 PM**To:** David Lothspeich**Subject:** TIF Attack Sample Letter and ResolutionHaving trouble viewing this email? [Click here](#)Chicago: 312.379.0421
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Things have heated up regarding the anti-TIF sentiment running through Springfield in this spring's legislative session. Much of the criticism is being generated by a few isolated TIF projects and the sentiment is to make changes to TIF that will have unintended and devastating consequences.

The ITIA is working tirelessly in an attempt to mitigate this run-away sentiment and to preserve the economic power of well implemented and managed TIFs. What follows is a message from Tom Henderson of the ITIA, which he has asked me to send out to the readers of our Alerts. Some of you may have already received this information through other organizations that you are involved in and if so, I apologize for the duplication.

[Click here](#) to view the two attachments which are referenced in Tom's message.

Good afternoon:

The budget crisis being experienced by the State of Illinois has turned the attention of the Illinois General Assembly to consider legislation that will diminish the effectiveness of and/or eliminate the Tax Increment Finance (TIF) Act in Illinois. The Illinois Tax Increment Association (ITIA) has been actively involved in numerous meetings and contacts with members of the General Assembly to express the concerns of our membership. Although, these meetings and contacts have somewhat slowed the process, we feel that it is imperative that our private and municipal membership must now become more actively involved in defeating the legislation being proposed. The ITIA Board of Directors, through collaborative efforts, has developed a Sample TIF Opposition letter to their legislators, and a Sample Resolution to be passed by their respective council

or village board. Please advise the municipality to adapt these samples to reflect their specific situation before they are sent on to their various legislators.

We need to ACT NOW in a JOINT EFFORT to let the members of the Illinois General Assembly know that Tax Increment Financing (TIF) is one of the only remaining tools that allows municipalities to be pro-active in their efforts to improve and/or stabilize their local economy.

Thomas R Henderson, Executive Director
Illinois Tax Increment Association

To submit a comment on this topic please [click here](#)

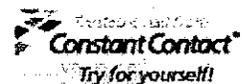
This information is provided by Paul S. Nicolosi who is the Managing Partner of Nicolosi & Associates, LLC and a principal of its affiliated consulting firm, Buckley Companies. Nicolosi & Associates and Buckley Companies work independently and collaboratively to provide local governments with economic development services. Mr. Nicolosi graduated from Loyola University in 1987 and Northern Illinois University's College of Law in 1990. Upon graduation from law school, Mr. Nicolosi joined his family's law firm, which his father founded in 1948, and its affiliated real estate consulting business, Buckley Companies.

Mr. Nicolosi is a regular speaker at the Illinois Municipal League's (IML) annual conference on municipal finance issues and is a former member of the IML's legislative committee. He is also an active board member of the Illinois Tax Increment Association and the National League of Cities' committee on Public Finance. Mr. Nicolosi's articles on Public Finance topics have been published in statewide and nationally circulated publications.

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