

Item #16:
Village Clerk Schultheis
Legislative Update

David Lothspeich

From: IML Legislation [Legislation@iml.org]
Sent: Monday, May 03, 2010 3:11 PM
To: IML Legislation
Subject: IML Statehouse Briefing - May 3, 2010

IML STATEHOUSE BRIEFING
“On the ground news and insider information!”
5-3-10

We are entering what could be the last week of the Spring Legislative Session. The General Assembly is scheduled to adjourn on Friday, May 7, 2010. While it is possible that the Session will continue past next week as legislators work on the budget, we expect to see a flurry of activity as the legislators try to get their issues through the process before the end of the week. This is the time during a legislative session where amendments that affect municipal governments can appear suddenly and without warning. We recommend that our members check the [IML website](#) for information about quickly developing events.

Crunch Time for LGDF: Now is the time to call your legislators in Springfield to reiterate your strong opposition to any decreases in the Local Government Distributive Fund. Under the proposed state budget, the state would reduce the income tax sent to municipalities by 30%. That would equate a reduction of \$23.10 per resident in your community and a \$300 million overall reduction for municipalities. Municipalities are already impacted by a 15% reduction in income tax receipts. Delayed LGDF payments are now three to four months behind. With the General Assembly scheduled to adjourn at the end of this week, time is of the essence. **Let's all work together to ensure that the municipal voice is strongly heard.**

Police Officers Allowed to Serve on Municipal Councils: [HB 2465](#) would allow a police officer to serve on the municipal council in the same community that employs the officer. This legislation was defeated less than 15 days ago in the Senate Elections Committee. However, due to a procedural maneuver, the bill has been re-assigned and posted for the Senate Executive Committee. **The IML needs your help, once again, in defeating this legislation. Please contact your Senators and request that they OPPOSE HB 2465.** [Click here](#) for the reasons this legislation is harmful to municipalities.

Property Tax Refunds for Annexed Property: [HB 5603](#) requires municipalities to refund property taxes to certain annexed property. If certain property is annexed to a municipality, then the municipality must refund the amount of taxes attributable to that property for the portion of the taxable year that the property was not included in the municipality. The bill also preempts home rule powers. This bill confuses the property tax system in Illinois and would require the community to provide free municipal services to annexed property. For more information on this issue, [click here](#). The bill is sponsored by Senator Dave Syverson (R-Rockford) and Representative Dave Winters (R-Rockford). **Please call Senator Syverson at (217) 782-5413 and Representative Winters at (217) 782-0455 and ask them not to advance this legislation. IML OPPOSES**

FOIA Exemption for Personnel Evaluations Goes to the Governor: HB 5154, sponsored by Representative Linda Chapa-LaVia (D-Aurora) and Senator Kimberly Lightford (D-Maywood), amends the Personnel Record Review Act to provide much-needed clarification by prohibiting the disclosure of performance evaluations under the Freedom of Information Act. After the recent changes to the FOIA statute, the law was unclear as to whether these sensitive documents should be disclosed. Currently, the evaluations of school superintendents, principals and teachers are exempt from disclosure under FOIA. HB 5154 extends that exemption to all employees. HB 5154 passed the Illinois Senate on April 29, 2010 by a vote of 45-9-1 and previously passed the Illinois House 70-39. The bill will now be sent to the Governor for approval. **IML SUPPORTS**

David Lothspeich

From: IML Legislation [Legislation@iml.org]
Sent: Thursday, April 29, 2010 11:42 AM
To: IML Legislation
Subject: IML Statehouse Briefing - April 29, 2010

IML STATEHOUSE BRIEFING
“On the ground news and insider information!”
4-29-10

The General Assembly continues to focus on floor action with just over a week of scheduled session remaining. It remains uncertain if the General Assembly will conclude their work on the state budget prior to May 7.

Police Pensions: The General Assembly approved a military service credit purchase bill (SB 3022) that will likely add to the unfunded liability of municipal police pension funds. Read more about the bill [here](#). **IML OPPORTUNITIES**

Pension Reform: The IML is involved in the Pension Fairness for Illinois Communities Coalition and are waiting with our coalition partners for any new developments toward municipal public safety pension reform. Many believe that a bill could move before the General Assembly adjourns. The IML will communicate any new developments to our membership.

Golf Carts and Other “Neighborhood Vehicles” We have previously discussed the issue confusion in the Illinois statute that both allows and prohibits certain types of “low-speed vehicles” on local streets. [Click here](#) for more information on the issue. To correct the problem, the IML introduced [SB 3629](#) as part of the IML Legislative Agenda. After additional negotiations with the Secretary of State’s office and the Department of Transportation, the issue has now been amended onto [HB 6094](#). This bill clarifies a discrepancy in the Vehicle Code concerning the use of golf carts and other nontraditional vehicles on local roads. Under the bill, golf carts, ATVs, off-highway motorcycles, recreational off-highway vehicles, and “neighborhood vehicles” would not be allowed on local streets unless the community specifically allowed them. One type of vehicle, a low-speed vehicle, which must be titled and registered with the Secretary of State, is allowed unless the community prohibits them on any or all roads. Communities are given broad discretion to prohibit the use of these vehicles. The bill passed the House, but was amended in the Senate. This means that it must go back to the House for concurrence before being sent to the Governor.

IML Proposals Continue to Advance: Three proposals on the 2010 IML Legislative Agenda passed the Illinois Senate during the week of April 27. [HB 4968](#), sponsored by Representative Keith Farnham (D-Elgin) and Senator Linda Holmes (D-Plainfield), allows for municipal annexation over a conservation area. [HB 5295](#), sponsored by Representative Bill Black (R-Danville) and Senator Pamela Althoff (R-McHenry), changes the municipal prosecution fee for the first time in 27 years and increases it from \$10 to \$25. [HB 5970](#), sponsored by Representative Kay Hatcher (R-Yorkville) and Senator Toi Hutchinson (D-Olympia Fields), delays changing municipal council district boundaries and clarifies that municipalities would base any change of the number of municipal wards on the results of a decennial census and not a partial or special census. The bills will now be sent to the Governor for his consideration. For additional information on the IML Legislative Agenda, please refer to the [Legislative Agenda](#) section of the IML website.

David Lothspeich

From: IML Legislation [Legislation@iml.org]
Sent: Monday, April 26, 2010 2:15 PM
To: IML Legislation
Subject: IML Statehouse Briefing - April 26, 2010

IML STATEHOUSE BRIEFING
“On the ground news and insider information!”
4-26-10

Two weeks remain before the General Assembly's scheduled May 7 adjournment. Most of the substantive committee work is finished. The General Assembly will spend the next two weeks amending legislation and holding votes to send bills to the Governor. The action will move very quickly and surprises are likely to be forthcoming.

Labor Legislation Podcast: The IML has produced a podcast discussing the status of two onerous labor bills. [HB 6112](#) would expand the prevailing wage to include the transportation of aggregate materials to and from a public works construction site. [SB 3566](#) would allow employees to litigate against one another and their employer for “abusive conduct.” Neither of these IML-opposed bills advanced out of committee last week. Click [here](#) to listen to the podcast.

General Assembly Approves Red Light Camera Requirements: [SB 935](#), sponsored by Senate President John Cullerton (D-Chicago) and Representative John D’Amico (D-Chicago), passed the Illinois House on April 23, 2010. The bill had previously passed the Illinois Senate. The General Assembly now has 30 days to send the bill to the Governor. Read more about this legislation [here](#).

IML Legislative Agenda: Three of the IML’s 2010 Agenda items passed both chambers of the General Assembly during the week of April 19. They are as follows: [SB 2804](#), sponsored by Senator Lou Viverito (D-Burbank) and Representative Dan Beiser (D-Alton), allows municipalities to lower the speed limit to less than 35 mph in large lot/low populated areas; [SB 2614](#), sponsored by Senator Dave Koehler (D-Peoria) and Representative Mike Fortner (R-West Chicago), provides that municipal governments can choose to publish local improvement ordinances for projects in excess of \$1 million on their municipal websites; and [SB 3313](#), sponsored by Senator Michael Bond (D-Grayslake) and Representative Dan Beiser (D-Alton), allows municipal officials to own a stock within an Exchange Traded Fund of not more than 1% of a corporation and still vote on issues involving the company without there being a conflict-of-interest. For additional information on the IML Legislative Agenda, please refer to the [Legislative Agenda](#) section of the IML website.

David Lothspeich

From: IML Legislation [Legislation@iml.org]
Sent: Friday, April 23, 2010 1:50 PM
To: IML Legislation
Subject: IML Statehouse Briefing - April 23, 2010

IML STATEHOUSE BRIEFING
“On the ground news and insider information!”
4-23-10

The General Assembly is completing the preponderance of committee work this week. The IML has succeeded in influencing the fate of several bills. We are still working for and against several others.

Abusive Workplace: SB 3566 (Representative Eddie Washington, D-Waukegan) **failed to garner enough votes for passage out of the House Labor Committee** on Friday morning. Twelve votes were required for passage and only ten voted in favor of the bill. SB 3566 would create a right of action against a fellow employee and the public body if an individual perceives himself or herself to be a victim of “abusive conduct.” Committee Chairman Harry Osterman, (D-Chicago), himself a “no” vote, offered to allow further work to be done to make the bill more palatable to opponents. It remains unclear if further efforts to amend this legislation will occur. Click [here](#) to read more about SB 3556. **IML OPPOSES**

Prevailing Wage: Senator Bill Haine (D-Alton), the sponsor of HB 6112, **elected not to call the bill for a vote during a hearing of the Senate Labor Committee** this week. This legislation would extend the prevailing wage to cover the transportation of aggregate materials to and from a public works site. Click [here](#) to learn more about HB 6112. The IML will continue to monitor this bill. **IML OPPOSES**

Police Pensions: The House Personnel and Pensions Committee approved two bills this week (SB 552 and SB 3022) that would **allow municipal police officers to purchase up to two years of pension service credit for military service that preceded employment** with the municipality. Both bills are sponsored by Representative Dan Burke (D-Chicago). To obtain the service credit, the employee must pay the employer and employee contributions, plus interest at the actuarially assumed rate from the date that the employee last became a police officer. **The State has not conducted cost estimates on these bills**, but they could very well add to the unfunded liability of municipal police pension funds. Both bills are on final passage stage in the House. **IML OPPOSES**

Police Officers Allowed to Serve on Municipal Councils: HB 2465 (Senator Terry Link, D-Lake Bluff) would allow a police officer to serve as an elected official on the city council or board that also employs that officer. This legislation was heard in the Senate Elections Committee. Kurt Carroll, manager of Shorewood, and the Illinois Municipal League testified in opposition of the legislation. After a very lengthy debate, the bill failed and was held in committee.

Municipal Audits: SB 2612 (Representative Anthony DeLuca, D-Crete) makes various

changes in the provisions on how municipalities conduct audits of utility companies. Representative DeLuca testified in front of the House Public Utilities Committee stating that he agreed to hold the bill until an amendment was drafted. The committee approved SB 2612 with the understanding that an amendment would be coming back to the committee. It was the IML's understanding that the amendment would be based on the numerous negotiation sessions that have been conducted over the last month with many stakeholders. A draft amendment has been circulated that fails to address many of the IML's concerns. The outcome of this issue is unclear. **IML OPPOSES**

David Lothspeich

From: Jason Perry [jperry@azavar.com]
Sent: Thursday, April 22, 2010 11:56 PM
To: David Lothspeich
Subject: Legislation Update - SB 2612 (Utility Audits)

Dear David,

As a client of Azavar Audit Solutions' municipal audit program, I am writing to update you on the current status of Illinois Senate Bill 2612 which Azavar believes will adversely impact Long Grove's existing franchise agreements, authority over rights of way, audits of utility taxes and franchise fees, and collection of any past due utility taxes or franchise fees owed to Long Grove.

On Tuesday, April 20, Melissa Bohse from the Village of Woodridge, Stu Chapman from Illinois NATOA, Kevin Lerash and I attended the Public Utilities Committee hearing on SB2612. Joe Schatteman attended to enter IML's opposition to SB 2612 and utility representatives attended to enter their support for the bill. Representative DeLuca presented the bill and recommended that the committee pass the bill with the promise that an amendment would come back to the committee in the near future.

The committee first asked for a speaker from those in support of the bill. Joe Handley with the Cable Television & Communications Association of Illinois spoke in favor of the Bill.

Melissa Bohse spoke in opposition of SB 2612 and focused on the purpose of a utility audit, the different forms of errors found in an audit and the difficulty in getting the data needed from utility companies when conducting an audit. Melissa stated that SB 2612 eliminates the ability to recover lost municipal revenue and severely limits franchise authority.

The bill passed committee with the promise by Rep. DeLuca that an amendment would come back in the near future. Neither Rep. DeLuca nor the IML have seen the amended language. The bill is currently in its second reading in the House of Representatives and is moving quickly.

Throughout the day we were able to talk with Representatives DeLuca, Sullivan, Connelly, Durkin, and Bellock. We learned that each representative has heard different information about SB 2612, not all of which is accurate.

Please continue to inform and educate your Illinois House Representatives and State Senator on the importance of maintaining Long Grove's local franchise authority and the ability to audit to recover lost municipal revenues. Ask them to oppose SB 2612 as it currently stands.

Please contact me via email or at (312) 498-5544 with any questions.

Thank you for your help in addressing this issue quickly. We will continue to update you on this matter as new information becomes available.

Sincerely,

Jason Perry
President
Azavar Audit Solutions, Inc.

4/23/2010