

Item #8A:
Village President Underwood
Legislative Update - Report

From: IML Legislation [IMLLegislation@iml.org]
Sent: Monday, April 14, 2014 2:16 PM
Subject: Illinois Municipal League Statehouse Briefing - April 14, 2014

IML Statehouse Briefing



On the ground news and insider information!

April 14, 2014

The General Assembly adjourned a day early after spending the last two weeks amending and debating bills for final passage out of the chamber of origin. Both chambers will reconvene in Springfield on April 29.

IML Lobby Day

Don't forget to register to attend our Lobby Day! This year's IML Lobby Day will be held on Wednesday, April 30, 2014. The day will begin at 10 a.m. with a Legislative Briefing at the IML Office located at 500 East Capitol Avenue. Following the Briefing, we encourage you to visit your Legislators. The IML staff will provide you with talking points and issue briefs on key legislation; this is your opportunity to let your Legislators know what issues are important to your municipality and to discuss how they will affect your community.

A Legislative Reception will be held that evening from 6 - 8 p.m. at the IML Office. Please make sure you contact your Legislators and invite them to attend the reception with you.

Please follow this [Registration](#) link to register for the event. If you have any questions, please use this [Contact](#) Link.

Firefighter Legislation Continues to Advance

The AFFI legislative agenda continues to advance over the objections of municipal leaders. Last week, the fire department minimum manning bill was approved by the House (HB 5485). The following two bills advanced this week:

SB 1681 would allow for the creation of a new unit of government known as a "Regional Fire Protection Agency" through a petition and referendum requirement.

Here are some reasons for **IML opposition** to [SB 1681](#) (Sen. Link, D-Waukegan):

- The bill creates a new unit of local government with a hybrid structure that can hardly be considered as an effective model for service consolidation;
- The bill uses a low-threshold petition requirement to kick-start a process involving courts, joint labor/management committees, special mediators, and unworkable service standards;
- The bill also prevents local taxpayers from receiving 100% of the savings that might occur from a consolidation under this process;
- The bill entitles the new unit of government to state-shared income tax revenue in the same manner as cities and counties. This would have the effect of reducing per capita LGDF distributions.

SB 1681 was approved by the Senate by a vote of 47-6. It will be sponsored by Representative Hoffman (D-Belleville) in the House.

HB 4418 would impose a referendum requirement before a municipality can close down its fire department as a result of deciding to obtain fire protection through alternative means (i.e., intergovernmental cooperation agreement with a fire protection district).

Here are some reasons for **IML opposition** to [HB 4418](#) (Rep. Hoffman, D-Belleville):

- The bill imposes a referendum requirement that effectively takes the decision over how to provide fire protection for the community away from locally elected officials;
- The bill could hinder more cost effective fire service protection even when the fire protection is of equal or greater quality than what is provided by the municipal department;
- The bill has a statewide impact despite being aimed at a small number of cities that could benefit from alternative fire protection options because their fire departments have become unaffordable.

This bill initially called for a referendum prior to the “cessation of operation or maintenance of a fire facility.” This could have prevented the closure of a single fire station without first going to referendum. After objections were raised to the expansiveness of this language, Representative Hoffman amended the bill to impose the referendum requirement when a city is looking to completely shut down its fire department. **HB 4418 was approved by the House on a vote of 93-20 on April 8. It will be sponsored in the Senate by Senator Raoul (D-Chicago).**

The following legislation of municipal interest advanced out of the originating chamber last week:

BILLS PASSED OUT OF THE HOUSE

[HB 5326](#) (Rep. Mayfield/Sen. Cunningham) would provide that permanent vehicle registration plates shall be issued for a one-time fee of \$8 to vehicles owned by counties, townships, or municipal corporations used for the purpose of ridesharing.

[HB 5696](#) (Rep. Poe/Sen. Althoff) would make three changes to the IMRF Article of the Pension Code. It would remove references in Article 7 to closed transfer windows; remove the requirement for write-in candidates in trustee elections when there is only one eligible candidate on the ballot; and codify the Board’s current omitted service procedures from its resolutions.

[HB 5438](#) (Rep. Sandack) would amend the Governmental Account Audit Act, Counties Code, and Illinois Municipal Code to provide that the amount of fees owed by a governmental unit for delinquent audits or reports may be reduced at the Comptroller's discretion. **SUPPORT**

[HB 5919](#) (Rep. Ives/Sen. Bertino-Tarrant) would provide that if a downstate police or firefighter pension fund mistakenly sets any benefit at an incorrect amount, it shall recalculate the benefit as soon as may be practicable after the mistake is discovered. If the benefit was set too low, it requires the fund to pay the underpayment to the benefit recipient, with interest. If the benefit was set too high, authorizes the fund to recover the overpayment, with interest, from the benefit recipient, either directly or by deduction, except in certain cases where the mistake has been undetected for more than 3 years and the mistake did not arise from inaccurate information supplied by the recipient. If the overpayment is recovered by deduction, specifies that the monthly deduction shall not exceed 10% of the corrected monthly benefit amount, unless otherwise agreed to by the recipient of the benefit. These provisions are intended to control over any period established under the Administrative Review Law having the effect of limiting the time in which a mistake in benefit may be corrected. **SUPPORT**

[HB 3664](#) (Rep. Kosel/Sen. Althoff) would provide that a severance agreement that is funded in whole or part by public moneys or that releases a claim against a public body shall not require or impose any condition on any party to keep allegations, evidence, settlement amounts, or any other information confidential, except that which is necessary to protect a trade secret, proprietary information, or information that is otherwise exempt from disclosure under the Act. The provisions of

the bill would affect future severance agreements. **OPPOSE**

[HB 3885](#) (Rep. Manley) would provide that the Department of Revenue may furnish certain financial information to a municipality (now, only certain units of local government) if the municipality agrees in writing to the Act's confidentiality provisions. A person who divulges confidential information from a return filed or an investigation conducted under the Act is subject to a fine of up to \$7,500. With respect to the financial information, the Department may provide net revenue (instead of receipts) distributed to the requesting municipality that is directly related to the requesting municipality's local share of the proceeds under the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act, and any locally imposed retailers' occupation tax or service occupation tax. **SUPPORT**

[HB 4691](#) (Rep. Phelps) would amend the Illinois Municipal Retirement Fund (IMRF) Article of the Illinois Pension Code. The bill provides that, upon creation of a new downstate police pension fund by referendum or census, IMRF shall transfer to the new pension fund (1) the employee contributions for service as a police officer of the municipality that is creating the new pension fund, plus interest, and (2) an amount representing employer contributions, equal to the total amount determined under item (1). The transfer would terminate any further rights of such employees under IMRF that arise out of that service.

[HB 5623](#) (Rep. Sandack) would amend the Local Records Act to provide that a unit of local government or school district that serves a population of less than 1,000,000 that maintains an Internet website other than a social media or social networking website shall post to its website for the current calendar year a mechanism, such as a uniform, single email address, for members of the public to electronically communicate with elected officials of that unit of local government or school district.

[HB 5666](#) (Rep. DeLuca) would require any municipality located in Cook County or the collar counties that has never awarded a commercial franchise agreement for waste hauling to delay awarding a franchise for a minimum of three years after an ordinance is adopted stating the municipality's intent. After three years, the municipality may only award a franchise if the recycling standards of at least 50% of all non-residential businesses have contracted for recycling services. This legislation also preempts home rule. **Originally, the suburban solid waste agencies opposed the legislation; however, after the amendment that increased the recycling standards, those agencies removed their opposition.**

[HB 5709](#) (Rep. DeLuca) would reduce the cost of obtaining right-of-way or temporary easements by allowing municipal employees, with the proper training, to complete federal valuation waivers for right-of-way or temporary easements if the value of the parcel or easement is under \$10,000 without hiring a licensed appraiser. **SUPPORT**

[HB 5816](#) (Rep. Senger) would amend the Illinois Pension Code to provide that if a member or participant of a pension fund or retirement system established under the Code is convicted of, or pleads guilty to a job-related felony including, but not limited to intimidation by a public official, bribery, official misconduct, engaging in kickbacks, fraudulently obtaining public moneys reserved for a disadvantaged business enterprise, or certain theft offenses, then none of the benefits that are provided for under the Code and that are attributable to the service of that person shall be paid. **SUPPORT**

BILLS PASSED OUT OF THE SENATE

[SB 2829](#) (Sen. Link/Rep. Zalewski) would amend the Code of Civil Procedure to provide that in a successful appeal under the Administrative Review Law of an adverse decision by a unit of local government, the court shall award the plaintiff all reasonable costs, including court costs and attorney's fees, associated with the appeal. The bill provides that if the court finds the decision by the unit of local government was clearly erroneous or that the plaintiff's rights to due process were abridged, the court may award the plaintiff all reasonable costs associated with the entire case dating back to the inception of the administrative proceeding. **OPPOSE**

[SB 3563](#) (Sen. Kotowski/Rep. Currie) would amend the Illinois Municipal Code to clarify existing law in that a home rule municipality that imposed a tax on tobacco products prior to July 1, 1993 is not prohibited from imposing a similar tax on or after July 1, 1993.

[SB 507](#) (Sen. Koehler/Rep. Leitch) would provide that a municipality with a population of more than 100,000 but less than 1,000,000 may enter into an intergovernmental agreement with the county in which the municipality is situated to provide that the county collector shall include with the property tax bill for each parcel of property within the municipality an invoice for municipal service charges for the disposal of garbage, refuse, or ashes. The municipality shall furnish the invoices to the county collector not less than 15 days before the tax bill is mailed to the property owner and may reimburse the county collector for any necessary expenses associated with mailing the invoices as provided in the agreement.

[SB 1103](#) (Sen. Tom Cullerton) would create the Occupational Safety and Health Act, to be administered by the Department of Labor. The Act applies to public employers and provides for occupational safety and health standards to be adopted by the Department of Labor, including emergency temporary standards, and for temporary or permanent variances from those standards. The bill provides for the issuance of a citation by the Director of Labor for a violation of the Act, and provides for administrative and judicial review. The bill also provides for civil and criminal penalties. The bill repeals the Safety Inspection and Education Act and the Health and Safety Act.

[SB 3225](#) (Sen. Morrison/Rep. Unes) would amend the Illinois Police Training Act to provide that the Illinois Law Enforcement Training Standards Board may conduct or approve a training program in veterans' awareness for law enforcement officers of local government agencies. The bill provides that the purpose of the program shall be to identify issues relating to veterans and to provide guidelines for appropriate responses to such issues. Local government agencies are encouraged to designate an individual to respond to veterans' issues.

[SB 3514](#) (Sen. Holmes/Rep. Hoffman) would amend the Illinois Public Labor Relations Act. The bill provides that no election shall be directed by the Illinois Labor Relations Board in any bargaining unit after an interest arbitrator has been appointed pursuant to the impasse resolution procedures under the Act, except in the case of firefighter units. For peace officer units and security employee units only, within 7 calendar days after the request of either party to proceed to arbitration, the parties shall request a panel of impartial arbitrators from which they shall select the neutral chairman. In the absence of mutual agreement or an agreed contract procedure for selecting an impartial arbitrator, either party may request a panel from the Board. If the parties fail to notify the Board of their selection of a neutral chairman within 7 days after receipt of the list of impartial arbitrators, the Board shall appoint, at random, a neutral chairman from the list. If the failure to notify the Board of a mutual selection for the neutral chairman is due to one party's failure to timely participate in the selection process, the party who was prepared to participate in a timely selection may notify the Board of its willingness to select an arbitrator from the panel. Further provides that under such circumstances, the Board, after waiting 7 days after the receipt of the panel by the non-participating party, shall appoint as the neutral chairman the arbitrator from the panel chosen solely by the party who was prepared to participate in a timely selection. The bill amends the Minimum Wage Law to provide that the overtime compensation provisions of the Law do not apply to any employee who is a member of a bargaining unit recognized by the Illinois Labor Relations Board and whose union has contractually agreed to an alternate shift schedule as allowed by specified provisions of the Fair Labor Standards Act of 1938.

[SB 3411](#) (Sen. Manar/Rep. Sosnowski) would provide that a county or municipality may not require a law enforcement officer to issue a specific number of citations within a designated period of time. The bill provides that a county or municipality may not, for purposes of evaluating a law enforcement officer's job performance, compare the number of citations issued by the law enforcement officer to the number of citations issued by any other law enforcement officer who has similar job duties. The bill provides that a municipality with its own independent inspector general and law enforcement review authority is not subject to the requirements of the amendatory Act. The prohibition would not affect the receipt of federal or State grants or funds used to fund traffic enforcement programs.

OPPOSE

IML TRACKED BILLS

A complete list of bills being tracked by the IML is available [here](#). The bills are categorized by policy area.

If you do not wish to receive information from the Illinois Municipal League via e-mail, please reply to this email include the words "Please remove from list" along with your name, municipality and email address included in the message.

From: IML Legislation [IMLLegislation@iml.org]
Sent: Tuesday, April 08, 2014 9:17 AM
Subject: Illinois Municipal League Statehouse Briefing - April 8, 2014

IML Action Alert



On the ground news and insider information!

April 8, 2014

IMMEDIATE ACTION REQUESTED!

Regional Fire Protection Agency Act Legislation Could Receive Vote This Week

The full Senate may vote on legislation this week that would create a cumbersome alternative model for fire service consolidations. **It has come to our attention that there may be an effort afoot to confuse legislators about our position on this bill.** Please help us to set the record straight by informing your State Senators of our **continuing opposition to the bill as amended by SA#3.**

Here are some reasons for IML opposition to [SB 1681](#) (Sen. Link, D-Waukegan):

- The bill creates a new unit of local government with a hybrid structure that can hardly be considered as an effective model for service consolidation;
- The bill uses a low-threshold petition requirement to kick-start a process involving courts, joint labor/management committees, special mediators, and unworkable service standards;
- The bill also **prevents local taxpayers from receiving 100% of the savings** that might occur from a consolidation under this process;
- The bill entitles the new unit of government to state-shared income tax revenue in the same manner as cities and counties. This would have the effect of **reducing per capita LGDF distributions.**

Take Action to OPPOSE SB 1681!

An IML Fact Sheet about the bill is available [here](#). Please [contact your State Senators](#) immediately and urge that they oppose this cumbersome and unnecessary "consolidation" bill.

Loss of Municipal Control to Pursue Alternative Fire Protection Coverage

HB 4418 was amended to impose a referendum requirement before a municipality can close down its fire department as a result of deciding to obtain fire protection through alternative means (i.e., intergovernmental cooperation agreement with a fire protection district).

Here are some reasons for IML opposition to [HB 4418](#) (Rep. Hoffman, D-Belleville):

- The bill imposes a referendum requirement that effectively takes the decision over how to provide fire protection for the community away from locally elected officials;
- The bill could hinder more cost effective fire service protection even when the fire protection is of equal or greater quality than what is provided by the municipal department;
- The bill has a statewide impact despite being aimed at a small number of cities that could benefit from alternative fire protection options because their fire departments have become

From: IML Legislation [IMLLegislation@iml.org]
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Subject: Illinois Municipal League Statehouse Briefing - April 4, 2014

IML Statehouse Briefing



On the ground news and insider information!

April 4, 2014

HOUSE APPROVES BUDGET-BUSTING MINIMUM MANNING BILL

On Thursday, the House approved the AFFI's bill to make fire department minimum manning standards a mandatory subject of collective bargaining and interest arbitration. The vote on [HB 5485](#) was 63-44-6. Sixty votes were required for passage. [The roll call is available here.](#) **Please thank your legislator if they voted for local control, balanced budgets, and reasonable local tax rates.**

Seven legislators took to the Floor to raise questions about the bill and object to its passage. **These legislators included Representatives DeLuca, Ives, Tracy, Sosnowski, Sandack, Leitch, and David Harris.** We will be thanking each one of these legislators for their demonstrated commitment to local control, responsible municipal spending, and local taxpayers.

Besides the sponsor (Rep. Mayfield), only one legislator actually took to the Floor to speak out in favor of the bill (Rep. Willis). It's probably telling that even those legislators that supported the bill were reluctant to stand up and actually defend their vote against elected municipal bodies.

The sponsor of the bill made the absolutely astonishing claim that a minimum manning requirement would actually save cities, villages, and towns "millions of dollars." This "up is really down" assertion was made more than once. The sad reality is that 63 legislators elected to jump on board the local tax increase train and vote to essentially obligate many local governments to take-up their property tax levies or other sources of revenue to pay for yet another unfunded state mandate out of Springfield. The state will not be sending a single dime to local governments to pay for the expansion of local personnel that would result if this costly mandate is enacted into law.

But there is a much bigger story here about legislative actions and local governments. As municipal officials know all too well, the General Assembly cut cities out of their full 10 percent share of income tax revenue (LGDF) with the passage of the temporary income tax increase. The state began collecting a windfall level of income tax revenue while holding municipalities at recession-level income tax distributions. The current proposal to make the temporary income tax permanent reportedly envisions keeping cities at 6 percent of total income tax collections and not restoring the historical 10 percent that cities were receiving until as recently as 2011.

It is simply an incoherent public policy to: (1) reduce local income tax distributions (6 percent instead of 10 percent of total collections); continue to pass along expensive, unfunded mandates on local governments (i.e., the minimum manning bill); and (3) continue to impose property tax caps that prevent many local governments from raising the revenues required to pay for the costs created by the state. This practice simply doesn't work, is senseless and irresponsible, and must end immediately for the good of local governments and their taxpayers. Once again, the most appropriate word to describe this state of affairs is "incoherent." Something has to give. Unfortunately, it looks like it might be municipal services and local taxpayers.

to clarify that portable dog washing machines are considered vending machines.

[HB 5503](#) (Rep. Demmer, R-Dixon) provides that each fiscal year, within 60 days of the close of an audit of the local government's funds and accounts, the auditor conducting the audit shall: (1) provide a copy of any management letter and a copy of any audited financial statements to each member of the governing body; and (2) present the information from the audit to the governing board either in person or by a live phone or web connection during a public meeting. The legislation further provides that if the unit of local government maintains an Internet website, it shall post the information contained in any management letter or financial statements to its website.

[HB 5606](#) (Rep. Reis, R-Olney) provides that the term "public works" in the Prevailing Wage Act does not include work done for purposes of soil and water conservation, whether or not done under public supervision or paid for wholly or in part out of public funds, and performed directly by an owner or person who has legal control on agricultural lands.

[HB 5688](#) (Rep. Kelly Burke, D-Oak Lawn) requires each law enforcement agency to provide a bullet proof vest to any officer that is newly employed. The legislation provides for exceptions to certain law enforcement agencies.

[HB 5454](#) (Rep. Poe, R-Springfield) provides that the salaries set for water commissioners under Section 11-135 of the Illinois Municipal Code shall be determined based upon the adoption of a resolution by a majority of the appointing authorities rather than the adoption of a resolution by all appointing authorities. This legislation is an initiative of the Otter Lake Water Commission.

LEGISLATION APPROVED BY THE SENATE

[SB 2770](#) (Sen. Althoff, R-McHenry) would provide that every community water supply in Illinois, with specified exemptions, shall have on its operational staff, and shall designate to the Agency in writing, either (i) one Responsible Operator in Charge who directly supervises both the treatment and distribution facilities of the community water supply or (ii) one Responsible Operator in Charge who directly supervises the treatment facilities of the community water supply and one Responsible Operator in Charge who directly supervises the distribution facilities of the community water supply.

[SB 3314](#) (Sen. Syverson, R-Rockford) extends the provisions of the Act to deputy municipal clerks. The bill reduces the number of ex-officio members of the Municipal Clerk Training Institute Committee to one member (currently, 9 members). The bill also provides that the ex-officio member's term may be designated by the governing board of any Illinois university or college at the request of the Executive Board of the Municipal Clerks of Illinois. This legislation is an initiative of the Municipal Clerks of Illinois. **IML SUPPORTS**

[SB 2648](#) (Sen. Althoff, R-McHenry) would amend the Prevailing Wage Act to provide that the term "public works" does not include the pruning, replacement, or removal of hazardous trees. The bill defines "hazardous trees" to mean diseased or irreparably damaged trees or trees that constitute a hazard. **IML SUPPORTS**

[SB 3106](#) (Sen. Connelly, R-Naperville) would amend the Local Records Act. The bill provides that any unit of local government or school district that maintains an Internet website shall maintain an electronic mail system. The bill requires that unit of local government or school district to maintain and provide an electronic mail address for each of its officials for use in the course of their official duties. The bill also requires a unit of local government or school district to post to its website for the current calendar year the contact information, including an electronic mail address, for all elected and appointed officials.

[SB 3294](#) (Sen. McConnaughay, R-South Elgin) would provide that a household goods recycling bin (such as a Goodwill bin) shall have a permanent, written, printed label affixed to the bin and prominently displayed. The bill sets forth the required information that must be contained within the label. **IML SUPPORTS**