Counties *at the* Capitol

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The House and Senate will return to regular session on February 18. This report presents new bills introduced in the first year of the 96th General Assembly of interest to counties. This list is not all-inclusive, nor is this a roster of bills favored or opposed by IACBMC.

House Bills

HB 1 (Bradley)
MOTOR FUEL TAX SURCHARGE
Status: Revenue & Finance Committee
Provides that, beginning on July 1, 2009, an additional surcharge of 8 cents per gallon shall be imposed on the privilege of operating motor vehicles upon the public highways and recreational-type watercraft upon the waters of the State. The moneys collected must be used for debt service and capital improvements.

HB 37 (Moffitt)
LEASE CLOSED STATE PARKS
Status: State Govt. Admin. Committee
Requires the Dept. of Natural Resources and the Illinois Historic Preservation Agency offer to lease to any interested unit of local government, the operation and maintenance of any closed State park or historic site for one dollar.

HB 58 (Reis)
WORKER'S COMPENSATION
Status: Labor Committee
Amends the Workers' Compensation Act and Workers' Occupational Diseases Act as follows: provides an injury by accident is compensable only if the accident was the prevailing factor in causing both the resulting medical condition and disability; makes changes regarding notice of accidents; makes changes in computation of compensation paid to certain employees who, before the accident for which an employee claims compensa-

Lawmakers float tax proposals

by Taylor Anderson, Legislative Consultant

Several tax proposals have been floating around as possible solutions to the State's budget problems and as sources of funding a capital program.

House Bill 1 introduced by Rep. Bradley sets to establish an additional 8 cents per gallon surcharge on gasoline, as well as create a fund to be used solely for the use of debt service and capital improvements (the GROW Illinois Fund). The federal government is also said to be looking at a gas tax. Governor Quinn said he wants to beat the feds to it and is pressing to have a gas tax increase by April. The Governor has also mentioned various fee increases.

There has a been a push by labor groups to increase the size of the gas tax to 16 cents per gallon as they feel 8 cents will not be enough. There has also been a movement to lock in all funds to be used for a capital program in order to avoid any fund sweeps. It is estimated a capital program will need to be $5 billion and done in two, three and five year programs. Rumors predict a majority of the money will be handed out in the forms of bonds.

Sen. Schoenberg has introduced **Senate Bill 44**, a cigarette tax. It will increase the tax on cigarettes by about $1, though this may change. The tax increase could generate about $300 million. Currently this money is used by the Department of Healthcare and Family Services to make reimbursements to providers who participate in certain medical assistance programs.

There are several different proposals for an income tax but none has reached paper. The proposal that is gathering the most steam is a rehashing of **Senate Bill 750** (Meeks) from the 95th General Assembly. This bill was for both corporate and individuals and gave a measure of property tax relief, as it sought to patch the holes and increase funding for education. It remains to be seen if the money would still be used for education. A sales tax proposal has also been floated. The details are thin at the moment (especially with work still ongoing with the Streamline Sales Tax) but there have been talks of including computer software in the sales tax.

Not a tax issue but a piece of legislation that potentially could be quite costly is **Senate Bill 184** (Haine). This bill is seeking to have interest paid prejudgment in actions of law and arbitration from the date the party from whom damages are sought is given written notice of the claim for money damages or the action or arbitration is filed. From our understanding of the bill this would require any defendant to pay interest on the amount of damages sought by a plaintiff before a verdict has been given.

Illinois Sheriffs support proposed concealed carry law

After years of being neutral on concealed carry, the Illinois Sheriff's Association passed a resolution earlier this month supporting a state concealed-carry handgun law. Only Illinois and Wisconsin have no form of concealed-carry handgun laws.

State Rep. John Bradley (D-Marion) has introduced **House Bill 245** which creates the Family and Personal Protection Act establishing uniform standards for the issuance of permits to carry concealed firearms in Illinois. It authorizes the Illinois State Police to issue concealed firearms permits to applicants who meet a strict set of qualifications. The bill is similar to proposals introduced in previous years, but the new bill places most of the screening process through the local sheriff's departments.

Several counties in Illinois have approved referenda supporting the right of Illinoisans to carry defensive firearms including Crawford, Effingham, Franklin, Greene, Jasper, Jefferson, Union, Ogle, Saline and Woodford. The Illinois Association of Chiefs of Police opposes the proposal.

tion, had sustained an injury; makes changes regarding review of awards; limits certain cumulative awards for partial disability; provides for certification of permanent partial or total disability by physicians; provides that no compensation is payable for certain injuries involving alcohol or drugs; makes other changes.

HB 60 (Holbrook)
COUNTY DETENTION HOMES
Status: Counties & Townships Comm.
Provides that, if the county board 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 or entities.

HB 61 (Holbrook)
PUBLIC BUILDING COMMISSION
Status: House 2nd Reading
Adds to the powers of a public building commission. Provides the 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 62 (Stephens)
PTELL REFERENDUM
Status: Revenue & Finance Comm.
Provides that voters in certain counties may initiate a referendum on the applicability of the Property Tax Extension Limitation Law by submitting a petition to the county board signed by a number of voters equal to at least 1% of the votes cast in the county at the last preceding general election.

HB 63 (Fritchey)
PREVAILING WAGE ACT
Status: Executive Committee
Provides that "public works" includes all projects located in an enterprise zone or located in an economic development project area, but does not include projects at an owner-occupied single family residence or multi-family residence.

HB 172 (Ramey)
FIREARM OWNERS ID CARD ACT
Status: Agriculture Committee
Provides that a county may not require registration of firearms or impose greater restrictions on the acquisition, possession, transportation, and transfer of firearms, than imposed by the Act.

HB 173 (Phelps)
FIREARM TRANSPORT
Status: Agriculture Committee
Provides that a unit of local government, may not regulate the transportation of firearms or the transportation of ammunition, components, accessories, or accoutrements for firearms.

HB 242 (Nekritz)
PTELL – DEBT SERVICE EXTENSION
Status: Revenue & Finance Comm.
Provides that the debt service extension base must be increased each year by the percentage increase, for the previous year, of the Consumer Price Index.

HB 244 (Pritchard)
INSURANCE COVERAGE
Status: Insurance Committee
Amends the Counties Code to require coverage for medically necessary preventative physical therapy for insureds diagnosed with multiple sclerosis.

HB 298 (Mathias)
LOCAL GOVERNMENT MONEY
Status: Revenue & Finance Comm.
Amends the Use Tax Act among others. Provides that 0.4% of the net revenues realized for the preceding month from the State's portion of the general rate of tax imposed under the Act shall be paid into the Local Government Distributive Fund (reverting to the distribution in place prior to State fiscal year 2003).

HB 329 (Franks)
COUNTY CODE – REFERENDA
Status: Counties & Townships Comm.
Provides for binding referenda (instead of advisory referenda) concerning the number of members of the county board to be elected, whether board members should be elected from single-member, multi-member or at-large districts, and whether voters will have cumulative voting rights

HB 347 (Holbrook)
COUNTY DETENTION HOMES
Status: House 2nd Reading
Provides that, if the county board 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.

96th General Assembly New House Bills

HB 367 (Mitchell)
CONCEAL CARRY
Status: Agriculture Committee
Establishes statewide uniform standards for the issuance of permits to carry concealed firearms in this State. Vests in the county sheriff the authority to issue concealed firearms permits to qualified applicants.

HB 395 (Brady)
ELECTION OFFICER ENDORSEMENT
Status: Elections & Campaign Comm.
Prohibits county clerks and boards of election commissioners from making public endorsements of candidates.

HB 442 (Jefferson)
AUTOMATED TRAFFIC LAW
Status: Counties & Townships Comm.
Provides that the counties of Champaign, DeKalb, La Salle, McLean, Peoria, Sangamon, Vermilion, and Winnebago, and the municipalities within those counties, may establish an automated traffic law enforcement system.

HB 454 (Ford)
CIGARETTE TAX INCREASE
Status: Revenue & Finance Comm.
Provides that, beginning July 1, 2009, an additional tax of 50 mills per cigarette ($1 per pack of 20) shall be imposed.

HB 462 (Phelps)
CONCEALED CARRY
Status: Agriculture Committee
Permits the county sheriff to issue permits to carry concealed firearms to persons at least 21 years of age who meet certain requirements.

HB 466 (Jakobsson)
MUNICIPAL CODE - ANNEXATION
Status: Cities & Villages Committee
Provides that property that is located in Champaign County and is the subject of an annexation agreement is subject to the ordinances, control, and 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.

Legislation amending Smoke Free Ilinois Act may not fix all problems

An amendment to the Smoke Free Illinois Act that clarifies exemption and enforcement components was signed into law by Governor Quinn on February 4th. While the amendment, also known as **Senate Bill 2757**, strenthens enforcement of the Act by providing additional guidelines for writing citations, it may also create new complications.

There has been significant confusion on how to enforce provisions of the smoking ban since it went into effect Jan. 1, 2008. Prior to this amendment, violations were treated as criminal complaints rather than civil matters which sparked legality issues as counties claimed they could not enforce the statute until the State adopted administrative rules. While the Illinois Department of Public Health (IDPH) proposed rules, the Joint Committee on Administrative Rules (JCAR), never adopted the rules. This led to inconsistencies in how the law was enforced.

While the new law removes violators from the courts by making it a civil matter rather than a criminal offense, the amendment still doesn't deal with the JCAR rules. Rather, it sets forth procedures by which the state public health department should process violations. All citations issued would need to include "the location where the violator can pay the fine without objection; and the address and phone number of the enforcing agency where the violator can request a hearing before the department to contest the imposition of the fine. This new layer of bureaucracy may require specialized personnel or contractors to oversee hearing for contested violations and could filter in to each county. The amendment still requires the rules of the new administrative system be consistent with the Illinois Administrative Procedure Act and be approved by JCAR, but it is unknown as to whether the IDPH is preparing to submit regulations to JCAR again.

HB 473 (Mitchell)
COUNTY CODE – SCHOOL TAX
Status: Elementary Education Com.
Provides that a school district that receives proceeds from a county school facility occupation tax may enter into an intergovernmental agreement with a municipality to share those proceeds. Provides that the municipality may use its share of the proceeds only for municipal infrastructure purposes.

HB 482 (Poe)
IMRF – DEATH BENEFIT
Status: Personnel & Pensions Com.
Amends the Illinois Municipal Retirement Fund (IMRF) Article of the Illinois Pension Code. Increases the death benefit from $3,000 to $5,000. Amends the State Mandates Act to require implementation without reimbursement.

HB 544 (Osmond)
HUMAN SERVICES TAX
Status: Human Services Committee
Amends the Counties Code. Provides that taxes may be levied to provide "human services" (now, "social services for senior citizens").

HB 547 (Pihos)
IDENTITY PROTECTION ACT
Status: Computer Technology Comm.
Creates the Identity Protection Act. Prohibits a State or local government agency from using an individual's social security number in certain ways, subject to various exceptions. Requires each State or local government agency to develop and implement an identity protection policy. Amends the State Mandates Act to require implementation without reimbursement by the State.

INITIATIVE OF THE IACBMC

HB 585 (Sacia)
COMPETITIVE BIDS
Status: Counties & Townships Committee

Amends the Counties Code. 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 bid.

HB 593 (Zalewski)
COUNTIES REGULATE LANDLORDS
Status: Counties & Townships Comm.
Provides that the county board of any county may license and regulate landlords, as defined by the county board, within the unincorporated areas of that county.

HB 654 (Schmitz)
QUICKTAKE – KANE COUNTY
Status: Executive Committee
Grants quick-take eminent domain powers for a period of one year to Kane County for the Stearns Road Corridor project.

HB 671 (Eddy)
PTELL – AGGREGATE EXTENSIONS
Status: Revenue & Finance Comm.
Amends the Property Tax Extension Limitation Law in the Property Tax Code. Provides that all contributions to a pension fund created under Article 3, Article 4, or Article 7 of the Illinois Pension Code are exempt from the definition of "aggregate extension".

HB 704 (Phelps)
COUNTY COMMISSIONERS
Status: Counties & Townships Comm.
Provides that a county with a population of 50,000 or less with a 3-member board of commissioners may, upon referendum initiated by (i) the adoption of a resolution by the board of county commissioners or (ii) a petition signed by not less than 10% of the registered voters in the county, establish a 5-member board of county commissioners. Sets forth requirements for the referendum.

HB 705 (Farnham)
PREDATORY LEND DATABASE
Status: Executive Database
Provides that a predatory lending database program shall be established within Cook, Kane, and Will counties (instead of Cook County).

HB 722 (Fortner)
UTILITIES – AGGREGATION
Status: Executive Committee
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 766 (Howard)
MEDICAID – INCARCERATED
Status: Human Services Committee
Provides that an inmate of a penal institution maintained by the State or a unit of local government may qualify for medical assistance only after he or she has ceased to be an inmate, but the inmate may apply for medical assistance in advance of his or her discharge or release from the institution.

HB 817 (Eddy)
PTELL – CPI
Status: Revenue & Finance Comm.
Amends the Property Tax Extension Limitation Law in the Property Tax Code. Provides that "extension limitation" means (a) the lesser of 5% or the percentage increase in the Employment Cost Index or, upon referendum approval, the Consumer Price Index during the 12-month calendar year preceding the levy year or (b) the rate increase approved by the voters.

HB 827 (Black)
MOBILE HOME TAX ACT
Status: Revenue & Finance Comm.
Defines "permanent foundation". Requires the Dept. of Revenue to adopt rules setting forth standards that county or township assessment officers must use in determining whether a dwelling is a mobile home or real property. Requires the Department to establish and administer a training program to train county or township assessment officers to use those standards.

HB 865 (Tracy)
METH PERCUSOR CONTROL ACT
Status: Rules Committee
Creates a pilot program coordinated by the Illinois State Police in Adams, Madison, St. Clair, and Vermilion Counties to track purchases of targeted methamphetamine precursor across multiple locations.

HB 883 (Connelly)
SPECIAL MEETING NOTICE
Status: Rules Committee
Amends the Counties Code. In a Section 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 905 (Verschoore)
LOCAL BUILDING CODES
Status: House Rules
Requires local governments without building codes to adopt building codes based on specified model codes.

HB 918 (Boland)
ELECTIONS – PUBLIC QUESTIONS
Status: House Rules
Sets the minimum number of petition signatures for a local public question at 8% (now, 10%) of the number of votes cast by registered voters in the governmental unit.

HB 952 (Beiser)
PREVAILING WAGE ACT
Status: House Rules
Provides that the Act applies to the demolition of public works.

HB 1003 (Poe)
MUNICIPAL CODE – ANNEXATION
Status: House Rules
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).

96th General Assembly New Senate Bills

SB 43 (Clayborne)
PREVAILING WAGE ACT – PROJECTS
Status: Labor Committee
Provides that "public works" includes all projects located in an enterprise zone or located in an economic development project area, but does not include projects at an owner-occupied single family or multi-family residence located in an enterprise zone or economic development project area.

SB 44 (Schoenberg)
CIGARETTE TAX INCREASE
Status: Referred to Assignments
Provides that an additional tax of 50 mills per cigarette shall be imposed on retailers of cigarettes.

SB 49 (Althoff)
IDOT – ROAD SALT GRANTS
Status: Executive Committee
Creates the Local Government Road Salt Purchase Reimbursement Fund. Provides that moneys in the Fund shall be used by the Dept. of Transportation to make grants to counties, municipalities, townships, and road districts in the northeastern Illinois region that entered into contracts for the purchase of road salt for the 2008-2009 winter season at a rate that exceeds the regional average.

SB 50 (Althoff)
IDOT – ROAD SALT APPROPRIATION
Status: Executive Committee
Appropriates $14,500,000 from the Local Government Road Salt Purchase Reimbursement Fund to the Dept. of Transportation for the purpose of providing grants to counties, municipalities, townships, and road districts for road salt reimbursement.

SB 57 (Murphy)
PROPERTY TAX – ALT EXEMPTION
Status: Revenue Committee
Provides that a county may subject itself to the alternative general homestead exemption by adopting an ordinance within 6 months after the effective date of the amendatory Act. The base year for a county that adopts an ordinance within 6 months after the effective date of the amendatory Act is tax year 2008.

New commission looks to clean up state government

It looks as though ethics will be a top priority in 2009. Both chambers voted overwhelmingly to approves **Senate Joint Resolution 1** that creates a 16-member Joint Committee on Government Reform. The new committee willl work simultaneously with the Illinois Reform Commission.

The Illinois Reform Commission (IRC), headed by former Assistant U.S. Attorney Patrick Collins, was created through an Executive Order. This independent advisory group will examine government practices and ethics, and make recommendations for cleaning up state government.

On February 11, 2009, the IRC delivered a letter to Gov. Quinn asking the Governor to immediately issue an executive order to all state agencies, boards and commissions under his control, directing those public bodies to fully comply with all provisions of the Illinois Freedom of Information Act and the Open Meetings Act, and to maximize transparency in their operations. the letter also urges the Governor to support vigorous enforcement efforts, including legal proceedings to compel compliance when necessary.

According to the Reform Commission website, **ReformIllinoisNow.org**, the public is encouarged to attend commission meetings and provide input. On April 26 the commission will submit a finished report outlining its findings and recommendations to the people of Illinois and to the Governor.

SB 58 (Murphy)
PROPERTY TAX – HOMESTEAD
Status: Revenue Committee
Provides that the alternative general homestead exemption applies on a permanent basis. Increases the maximum amount of the exemption to $40,000.

SB 59 (Murphy)
PROPERTY TAX CODE
Status: Revenue Committee
In a Section concerning the long-time occupant homestead exemption, provides that the exemption applies regardless of whether or not the county has elected to be subject to the provisions of the alternative general homestead exemption.

SB 60 (Murphy)
PROPERTY TAX CODE
Status: Revenue Committee
In a Section concerning penalty bids, provides that no bid shall be accepted for a penalty exceeding 6% (instead of 18%) of the amount of the tax or special assessment on property.

SB 103 (Trotter)
LAW LIBRARY FEE
Status: Executive Committee
Provides that a county board may authorize a county law library fee of not to exceed (i) $18 in 2009, (ii) $19 in 2010, and (iii) $21 in 2011 and thereafter (instead of $13).

INITIATIVE OF THE IACBMC

SB 78 (Clayborne)
MANUFACTURED HOMES – FOUNDATIONS
Status: Commerce Committee

Creates the Manufactured Home Installation Act. Provides that a manufactured home installed on private property that is not a mobile home park must be installed so that it rests wholly on a permanent foundation.

Eye On...

SB 138 (Link)
LOCAL BUILDING CODES
Status: Executive Committee

Amends the Capital Development Board Act. Requires local governments without building codes to adopt building codes based on specified model codes. Requires that persons performing building inspection services under the Act must be qualified by the State, certified by a certification organization, or have filed verification of inspection experience with the Board. Permits a local government to out-source building inspection.

SB 230 (Jones)
OCCUPATION TAX PROCEEDS
Status: Local Government Comm.
Amends the Counties Code concerning the Special County Retailers' Occupation Tax For Public Safety or Transportation. Authorizes counties to share tax proceeds received for public safety purposes, including proceeds received before the effective date of this amendatory Act, with any fire protection district located in the county.

SB 231 (Raoul)
MEDICAID – PRISONER ELIGIBILITY
Status: Humans Services Committee
Amends the Illinois Public Aid Code. Provides that if a person who is incarcerated in a jail or correctional facility in Illinois or receiving treatment at a hospital under the authority of the Dept. of Corrections was a recipient of medical assistance immediately before his or her incarceration or period of treatment, the recipient shall remain eligible for medical assistance during the period of his or her incarceration or treatment, but the Dept. of Healthcare and Family Services shall not provide medical assistance for any medical care, services, or supplies provided to the recipient during that period.

SB 281 (Jones)
CONSERVANCY – Franlkin / Jefferson
Status: Referred to Assignments
Amends the River Conservancy Districts Act. With respect to the board of a district embracing Franklin and Jefferson counties, ends the terms of all current trustees. Provides for appointment of new trustees by the presiding officers of the county boards and mayors or village presidents.

SB 286 (Althoff)
FARMLAND PRESERVATION
Status: Local Government Comm.
Provides that a county with a population of less than 1,000,000 may levy an annual tax for farmland preservation easement purposes. Provides that the tax may not exceed 0.05% of the equalized assessed value of taxable property in the county. Provides that the tax must be approved by referendum.

SB 322 (Steans)
PREVAILING WAGE
Status: Referred to Assignments
Amends the Prevailing Wage Act. In provisions making it a public body's responsibility to notify contractors and subcontractors of a revised prevailing wage rate, provides that the publication of an ordinance or resolution passed by the public body that states the ascertained prevailing wage is sufficient notification to the contractor and each subcontractor.

SB 1335 (Trotter)
REGISTERED TITLES ACT
Status: Referred to Assignments
Deletes a provision concerning excess funds in a county indemnity fund that states that the county may transfer and expend excess indemnity fund monies for the benefit of real property owners as the county deems appropriate, if at least 50% of the excess monies are transferred to the lead poisoning prevention fund but the county may not expend excess indemnity fund monies for any purpose other than lead poisoning prevention until it first starts making loan or grant payments under the lead poisoning prevention program.

SB 1341 (Bond)
COURT COST FINES
Status: Referred to Assignments
Amends the Clerks of Courts Act to provide that any person who receives court supervision shall pay an additional fee of $30 (instead of $20). Provides that $20 of the $30 (instead of the $20) shall be deposited into the State Police Vehicle Fund and $10 shall be deposited into the Driver's Education Fund.

SB 1352 (Viverito)
REGULATE LANDLORDS
Status: Referred to Assignments
Amends the Counties Code. Provides that the county board of any county may license and regulate landlords within the unincorporated areas of that county.