

# Counties *at the* Capitol

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January 30, 2009

The 95th Illinois General Assembly concluded its action and adjourned on January 13th. The following bills were passed the last days of Session which will affect local governments if signed into law.

## 95th General Assembly

### SB 761 (Harmon) Fritchey STATE ETHICS LAW – BIDDING

Exempts contracts involving federal highway funding from the State's new ethics laws. This bill avoids the potential conflict between Illinois' ethics laws and federal bidding requirements, which could have jeopardized the flow of federal transportation money to the State. Late Dec. 2008, the Federal Highway Administration refused to authorize federal funding for projects once Illinois' ethics law took effect on January 1, 2009. The ethics law prohibits political contributions from any entity whose contracts with a State agency exceed \$50,000, and sets forth provisions to void contracts because of political contributions. The federal government determined these requirements were overly stringent and incompatible with federal competitive-bidding requirements.

### SB 826 (Noland) Burke TIF – CONFLICT OF INTEREST

Establishes a two-year period within which a municipal official can purchase a single parcel residence within a TIF district without being considered to have an "interest" in the property. Having interest in the property would otherwise prohibit the official from joining the corporate authorities in taking any action involving the property. To qualify for the exemption, the property must be purchased within two years of the enactment of the extension. The official must also meet additional criteria established by statute.

## A new sense of optimism by President Mike McLaughlin

After two contentious years of battles among the House, Senate and governor's office, the 96th General Assembly brings a new sense of optimism and hope for a more productive legislative session. Governor Pat Quinn has pledged to work with lawmakers and other state officials to "mend the flaws" in state government and get to work. We anticipate much of this session will be focused on the budget deficit, now estimated at over \$4 billion. Despite the budget hole, it looks promising that legislators will push through a capital plan this spring.



Our staff in Springfield has already begun the process to carry the county agenda to the state capitol and work with legislative members to achieve positive reforms during the upcoming session. But the fact is, thousands of ideas are proposed as legislation every year, and only a fraction of them are ever approved. To that end we must come together collectively, find county-related issues we can agree on, engage other stakeholders, and put our issues before lawmakers. We must flex our muscle to move forward with our own legislative agenda, regardless of state politics.

With that in mind, I'm asking you to get involved, to the maximum extent that your other responsibilities allow, in the Association's legislative efforts. Without your advocacy, county issues will never get the attention they deserve in Springfield. You can begin by reading these legislative bulletins, following through on special alerts and establishing a dialogue with your own senator and representatives about how bills affect your county. The Association brings us together with lawmakers to promote that dialogue several times during the year, beginning with the district meetings listed below.

Remember, what happens in Springfield can have a very direct bearing on your county and the citizens you serve. We will do our best to advocate for your interests and keep you informed, but it is also vitally important that your legislators be kept informed of the local viewpoint. This promises to be a year of many challenges. I'm confident that together, we can get the job done.

### 2009 DISTRICT MEETINGS

Saturday, February 14 • Hamilton's, Jacksonville, Illinois  
Saturday, February 21 • Holiday Inn, Mt. Vernon, Illinois  
Saturday, March 7 • Douglas County (location to be announced)  
Saturday, March 14 • Hampton Inn, Ottawa, Illinois

There is no charge to attend these meetings.  
All county board members and county administrators are welcome to attend.  
**For more details contact Darren at 217-528-5331 or visit [www.ilcounty.org](http://www.ilcounty.org).**



## IMRF 2010 employer rate discussions

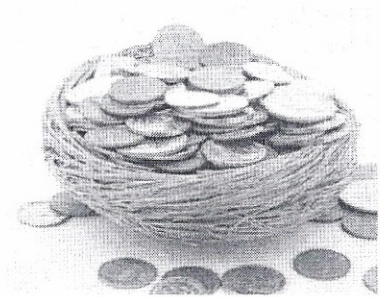
### Local officials encouraged to attend employer workshops

Last December, the Illinois Municipal Retirement Fund (IMRF) issued a memorandum to authorized Fund agents. The memorandum disclosed the Fund lost \$6.2 billion during 2008 (25% of the Fund's assets). The magnitude of this loss has a severe impact on employers' funded status and reserves as of December 31, 2008, and will dramatically impact employer contribution rates for 2010.

On January 23, 2009, the IMRF Board of Trustees held a meeting concerning the investment losses and their impact on 2010 Employer Rates. The IMRF Board also considered potential solutions to the funding decline. IMRF is unveiling these solutions at Employer Rate meetings throughout the state which began on January 26, 2009. In late April, IMRF will present two Webinars in which they will discuss actual year-end financial and actuarial data for IMRF as a whole and its estimated impact on individual employers.

The two most important plan features proposed by IMRF to help mitigate the 2008 negative investment returns are: 1) Changing two actuarial techniques which will provide short-term and longer-term relief for employer rates and funded status; and 2) Adopting a phase-in plan for employer contribution rates which would cap most employer increases at a fixed percentage.

An explanation of this plan can be found at [www.imrf.org](http://www.imrf.org) in the *General Memorandum*, dated January 26, 2009 or contact our office at 217-528-5331 for a copy.



### Upcoming Employer Workshops

#### February 2

Rockford, Illinois • 9:00 a.m.

Moline, Illinois • 2:00 p.m.

#### February 3

Libertyville, Illinois • 2:00 p.m.

#### February 4

Tinley Park, Illinois • 10:00 a.m.

Oak Brook, Illinois • 2:00 p.m.

To register visit [www.imrf.org](http://www.imrf.org)

#### SB 2085 (Silverstein) Hamos ALDERMANIC VACANCIES

Establishes how appointments are made to fill vacancies created by the resignation of Chicago aldermen.

#### SB 101 (Crotty) Coulson INSURANCE MANDATE/HABILITATIVE SERVICES

Imposes a mandate on all insurance policies offered in Illinois, as well as on municipal self-insured plans, to include habilitative services for children under 19 years of age who have a congenital, genetic, or early acquired disorder.

#### SB 1174 (Collins) Harris INSURANCE MANDATE/BREAST CANCER SCREENING

Imposes a mandate on all insurance policies offered in Illinois, as well as on municipal self-insured plans, to expand upon existing breast cancer screening requirements. The bill further requires that all self-insured municipalities offer coverage for mastectomies and any reconstructive breast surgery necessary at no additional cost to the insured.

#### SB 2362 (Cronin) Saviano FIREFIGHTER PENSION

Allows firefighters to purchase up to 24 months of service credit for military service that preceded municipal employment. Requires employee to pay for the employee and employer normal cost plus interest, but not the unfunded liability. Committee members, in both chambers, were urged to wait until a cost study, already begun by the Commission on Governmental Forecasting and Accountability, was completed before voting on the benefit enhancement, however, the bill received an overwhelming majority in both chambers.

#### SB 2757 (Cullerton) Yarbrough SMOKING BAN REGULATIONS

Addresses issues related to the administration and enforcement of the statewide smoking ban. This bill specifies that violations are civil instead of criminal as previously treated. Requires hearings conducted by the Illinois Dept. of Public Health in accordance with the Administrative Procedure Act. At least one judge ruled that the county courts could not enforce the statute until the State adopted administrative rules. The

Department had proposed rules, but the legislative oversight body (JCAB) objected to the rules, and they were never adopted. This led to sporadic and inconsistent enforcement of the smoking ban. The General Assembly's intent is to evade this problem by having the Dept. of Public Health conduct administrative hearings for the citations. The Smoke Free Illinois Act requires the Dept. of Public Health, State-certified local public health departments, and local law enforcement agencies to enforce the provisions of this Act through the issuance of citations. SB 2757 sets forth procedures for the adjudication of those citations. Under the provisions of the legislation, if a person is issued a citation, the Department shall afford a violator the opportunity to pay the fine without objection or contest the citation in accordance with the Illinois Administrative Procedure Act. The Department shall notify the violator in writing of the time, place, and location of the hearing. The hearings are to be conducted at the nearest regional office of the Department, or in a location contracted by the Department in the county where the citation was issued.



**96th General Assembly  
New House Bills**

**HB 1 (Bradley)**

**MOTOR FUEL TAX SURCHARGE**

Amends the Motor Fuel Tax Law. 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. Provides that moneys collected from the additional surcharge shall be deposited into the GROW Illinois Fund, and must be used only for debt service and capital improvements.

**HB 4 (Poe)**

**FACILITIES CLOSURE – COGFA**

Amends the State Facilities Closure Act. Provides that a recommendation of closure of a State facility may not be implemented unless the Commission on Government Forecasting and Accountability (COGFA), by resolution adopted by record vote of at least 8 members, approves the recommendation (now, the COGFA's opinion is merely advisory).

**HB 8 (Tracy)**

**CIVIL PROCEDURE VENUE**

Amends the Code of Civil Procedure. Provides that, if none of the parties joined in good faith as defendants in a civil case are residents of this State, an action against those defendants may be commenced in the State only in the county in which the transaction out of which the cause of action arose, or some part of that transaction, occurred. Provides that a corporation organized under the laws of or authorized to do business in this State is a resident only of any county in which it has its registered office or other office (rather than being a resident of any county in which it does business). Makes similar changes regarding partnerships and voluntary unincorporated associations.

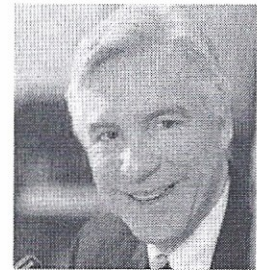
**HB 24 (Osterman)**

**ELECTION – CONTRIBUTION LIMITS**

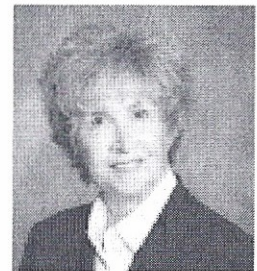
Amends the Election Code with respect to campaign finance. Sets limits on the amount of campaign contributions an individual, a corporation, a labor organi-

## Two county board members sworn in to Illinois House

**Michael G. Connelly (R-48, Lisle)** has a B.A. from Loyola University of Chicago and a J.D. from John Marshall Law School. He has been a member of the DuPage County Board since 2006, and chaired its Economic Development Committee among other positions. He served as an assistant Cook County state's attorney in 1989, and as law clerk to an Illinois Appellate Court justice in 1990-92. He has practiced law privately for 16 years, and also been a Lisle village trustee.



**Kay Hatcher (R-50, Yorkville)** received corporate communications training at Boston College's Carroll School of Management. She was a member of the Oswego school board from 1985 to 1991 and of the Kendall County Board from 1991-1996 and 2002 to the present, and has been president of the Kendall County Forest Preserve since 2002. She has been external affairs director for SBC Communications, and senior marketing director for Senior Services Associates of Crystal Lake. She is the founder and owner of Reputation Management, Inc. (a media management, planning, and marketing firm). In 2004-2005 she was the state president of the Illinois Federation of Republican Women, and a member of the national board of the National Federation of Republican Women.



zation, and an association may make to political committees of public office candidates, established political parties, political party committee person candidates, and legislative caucuses.

**HB 37 (Moffitt)**

**LEASE CLOSED STATE PARKS**

Creates the Lease of Closed State Properties Act. Requires that the Dept. of Natural Resources and the Illinois Historic Preservation Agency offer to lease to any interested unit of local government, non-profit organization, or public or private college or university the operation and maintenance of any closed State park or historic site for one dollar. The leasing entity shall retain all revenues generated by such operation during the term of the lease. At the end of the lease, requires the State to reimburse the leasing entity for the undepreciated portion of any improvements made or paid for by the entity.

**HB 46 (Brady)**

**FIRST RESPONDER NOTIFICATION**

Creates the First Responders' Mobile Communications Transition Act. Requires that the Director of State Police appoint a task force to develop and adopt a plan for the coordination of a mobile communications infrastructure for the State's first responders. Requires that each unit of local government that is a first responder or employs one or more first responders must coordinate its first responders' mobile communications in compliance with the infrastructure plan by January 1, 2019.

**HB 55 (Reis)**

**ASSUMED BUSINESS NAMES**

Provides that, beginning July 1, 2010, certificates of registration of assumed business names shall be filed with the Secretary of State, rather than with county clerks.



## Gasoline surcharge proposed to fund road construction plan

As state legislatures around the country begin their new session, politicians in several states including Illinois are introducing bills that would raise gasoline taxes for road projects and bridge repair.

State Rep. John Bradley, D-Marion, has introduced **House Bill 1** which would raise the state motor fuel tax by 8 cents a gallon. The tax, applied in addition to the current 19 cents per gallon Illinoisans pay in state motor fuel tax would generate an estimated \$500 million annually. If passed, the increase would become effective in July of next year.

While some lawmakers view it as a starting point for funding a statewide construction program, State Rep. Bill Mitchell, R-Forsyth, has launched a fight against the gas-tax hike. Mitchell is distributing petitions throughout his district in hopes that opposition from citizens will deter the Illinois House from passing the tax. However, Speaker Madigan may support the measure.

**While IACBMC strongly supports the passage of a capital program, we'd like to hear your opinion on a gas-tax increase as a means to fund it. Please e-mail or call us with your county's position.**



receipts for detention services purchased through agreements with other governmental units or entities.

### **HB 61 (Holbrook) PUBLIC BUILDING COMMISSION**

Adds to the powers of a public building commission. Provides that a public building 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**

Amends the Property Tax Code. 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**

Amends the Prevailing Wage Act. Provides that "public works" includes all projects located in an enterprise zone as defined in the Illinois Enterprise Zone Act or located in an economic development project area as defined in the Economic Development Project Area Tax Increment Allocation Act of 1995, but does not include projects at an owner-occupied single family residence or owner-occupied multi-family residence located in an enterprise zone or economic development project area.

### **HB 81 (Lang) PTELL - TOWNSHIP TAXES**

Amends the Property Tax Extension Limitation Law in the Property Tax Code. Provides that extensions made for township taxes for general assistance for township fiscal year 2009 and each fiscal year thereafter are exempt from the definition of "aggregate extension".

### **HB 86 (Lang) CONTRIBUTION DISCLOSURE**

Amends the Election Code. With respect to campaign finance reports, requires disclosure of all contributions, expenditures, and transfers (now, those exceeding, in the aggregate, \$150).

### **HB 57 (Reis) CAPITAL IMPROVEMENTS**

Creates the Joint Committee on Capital Improvements (JCCI) as a legislative support services agency consisting of 12 General Assembly members appointed by the legislative leaders. Requires JCCI to develop 5-year plans for the State's capital improvements needs. Authorizes the General Assembly by joint resolution to approve a 5-year capital plan.

### **HB 58 (Reis) WORKER'S COMPENSATION**

Amends the Workers' Compensation Act and the Workers' Occupational Diseases Act as follows: provides that 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 compensation, 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; changes qualifications for Illinois Workers' Compensation Commission commissioners and arbitrators; contains provisions regarding evidentiary matters and statutory construction; makes changes regarding the duties of the Workers' Compensation Advisory Board; requires performance audits of arbitrators; provides that an employer and the exclusive representative of its employees may agree to establish binding obligations and procedures relating to workers' compensation; and makes other changes.

### **HB 60 (Holbrook) COUNTY DETENTION HOMES**

Amends the County Shelter Care and Detention Home Act. Provides that, if the county board of any county has levied a tax for a detention home and cannot adequately support the facility, the county board may expend the tax



**HB 87 (Lang)**

**ELECTION DAY REGISTRATION**

Amends the Election Code. Requires election authorities to provide voter registration in precincts on election day.

**HB 146 (Colvin)**

**COUNTY LAW LIBRARY FEE**

Amends the Counties Code. 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). Effective immediately.

**HB 147 (Reis)**

**ENTERPRISE ZONE – LOWER POP.**

Amends the Illinois Enterprise Zone Act. Provides that an area is separately qualified to become an enterprise zone if that area: (i) is located, wholly or partially, within a county that has a population that, according to the most-recent decennial census, is less than the population of the county according to the decennial census that occurred 40 years prior to the most recent decennial census; and (ii) satisfies any additional criteria established by rule of the Department consistent with the purposes of this Act.

**HB 152 (Mendoza)**

**INSURANCE – CONTINUITY CARE**

Creates the Continuity of Patient Care for Immunosuppressant Drugs Act. Provides that a health insurance policy or health care service plan contract that covers immunosuppressant drugs may not limit, reduce, or deny coverage of immunosuppressant drugs if prior to the limitation, reduction, or denial of coverage the insured was using the drug and was covered under the policy or contract and the drug was covered under the policy or contract. Provides that nothing in the Act shall prohibit an insurer from making changes in its benefit design that applies to all covered drugs or from increasing cost-sharing obligations due to a percentage coinsurance payment that necessarily increases with an increase in the underlying drug prices.

**HB 158 (Mathias)**

**VACATING PLAT**

Amends the Plat Act. Provides that an owner's vacation of a plat shall be approved by the city council or village or county board or its designated officer or

officers (instead of city council or village or county board) in the same manner as plats of subdivisions, if there are public service facilities in the public ways and in easements shown on the plat.

**HB 161 (Sacia)**

**IMRF SLEP – PARK POLICE**

Amends the Illinois Municipal (IMRF) Article of the Pension Code. Makes park police eligible for the sheriff's law enforcement employee formula. Amends the State Mandates Act to require implementation without reimbursement.

**HB 172 (Ramey)**

**FIREARM OWNERS ID**

Amends the Firearm Owners Identification Card Act. Provides that a county, including a home rule county, may not require registration of firearms or impose greater restrictions or limitations on the acquisition, possession, transportation, carrying, and transfer of firearms, firearm attachments, and firearm ammunition than are imposed by the Act and Criminal Code of 1961.

**HB 173 (Phelps)**

**FIREARM TRANSPORT**

Amends the Criminal Code of 1961. Provides that a unit of local government, including a home rule unit, may not regulate the transportation of firearms and may not regulate the transportation of ammunition, components, accessories, or accoutrements for firearms.

**HB 193 (Bassi)**

**COOK COUNTY – DISCONNECT**

Amends the Counties Code. Provides that, in Cook County, one or more contiguous townships may be disconnected from the county and may form a new county. Provides that the disconnection must be approved by referendum.

**HB 213 (Smith)**

**INSURANCE – HEART DISEASE**

Amends the State Employees Group Insurance Act of 1971, the Counties Code, the Illinois Municipal Code, the School Code, the Illinois Insurance Code, the Health Maintenance Organization Act, the Voluntary Health Services Plans Act, and the Public Aid Code to provide coverage for diagnos-

tic testing for cardiovascular disease if the diagnostic testing is ordered by a physician licensed pursuant to the Medical Practice Act of 1987.

**HB 219 (Schmitz)**

**PROPERTY TAX – SENIOR FREEZE**

Amends the Property Tax Code. In the Senior Citizens Assessment Freeze Homestead Exemption, increases the maximum income limitation from \$55,000 to \$75,000 for applicants who have occupied the residence for at least 5 years.

**HB 220 (Schmitz)**

**PROPERTY TAX – EXEMPTIONS**

Amends the Property Tax Code. Provides that if the Department of Revenue determines that any property has been unlawfully exempted from taxation for any year prior to the current assessment year, then that property is considered to be omitted property and may be assessed as set forth under certain provisions of the Code.

**HB 223 (Schmitz)**

**HOMESTEAD EXEMPTIONS**

Amends the Property Tax Code. Provides that, beginning with the 2010 assessment year and unless otherwise stated, the maximum amount of each homestead exemption is increased over the maximum amount of that exemption for the prior year by an amount equal to the annual rate of increase, for the previous calendar year, of the Consumer Price Index for All Urban Consumers for all items, published by the United States Bureau of Labor Statistics.

**HB 240 (Sommer)**

**CORRECTIONAL FACILITIES**

Amends the State Facilities Closure Act. Creates the Correctional Facilities Panel. Provides that the Panel shall perform a detailed examination of the State's correctional facilities and the respective populations and workforces of the facilities. Provides that no correctional facility managed or operated by the Illinois Dept. of Corrections may be closed, eliminated, or otherwise required to reduce its 2008 average daily population or average daily workforce by more than 20% prior to the completion of the submission of the final report by the Correctional Facilities Panel.



## Counties urged to apply for lighting upgrade grants

County governments with historic courthouses and those that operate public safety buildings are encouraged to apply for funding through the Illinois Clean Energy Community Foundation's two new programs for lighting upgrades. These programs were developed with the encouragement and endorsement of the Illinois Association of County Board Members.

Counties are eligible to apply for funding to pay for energy-saving upgrades to lamps, ballasts and/or controls in existing indoor lighting systems. Grants will be limited to no more than \$40,000 for any one historic courthouse building, no more than \$30,000 for any one public safety building, and no more than \$120,000 for any county or unit of government.

You may download the 2009 Lighting Upgrade Grant Program brochures and applications at [www.illinoiscleanenergy.org](http://www.illinoiscleanenergy.org). If you have questions, please contact Bob Romo at the Illinois Clean Energy Community Foundation at (312) 372-5191, or by email at [bromo@IllinoisCleanEnergy.org](mailto:bromo@IllinoisCleanEnergy.org).

**The deadline for the grant program is March 17, 2009.**



### HB 298 (Mathias)

#### LOCAL GOVERNMENT MONEY

Amends the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailer's Occupation Tax Act. 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 Acts shall be paid by the Department of Revenue into the Local Government Distributive Fund (reverting to the distribution in place prior to State fiscal year 2003).

### HB 322 (Mulligan)

#### AIRPORT ENVIRONMENTAL IMPACT

Amends the Environmental Protection Act. Requires the Agency, in consultation with the Department of Public Health, to conduct a study describing the adverse environmental and human health impacts caused by runways and air traffic at airports in the State.

### HB 329 (Franks)

#### COUNTY CODE – REFERENDA

Amends the Counties Code. Provides for binding referenda (instead of advisory referenda) concerning (i) the number of members of the county board to be elected, (ii) whether the board members should be elected from single-member districts, multi-member districts, or at-large, (iii) whether voters will have cumulative voting rights

### HB 347 (Holbrook)

#### COUNTY DETENTION HOMES

Amends the County Shelter Care and Detention Home Act. Provides that, if the county board of any county 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.

### HB 242 (Nekritz)

#### PTELL – DEBT SERVICE EXTENSION

Amends the Property Tax Extension Limitation Law in the Property Tax Code. Provides that the debt service extension base must be increased each year by the percentage increase, for the previous calendar year, of the Consumer Price Index.

### HB 244 (Pritchard)

#### INSURANCE COVERAGE

Amends the State Employees Group Insurance Act of 1971, the Counties Code, the Illinois Municipal Code, and the School Code to require coverage for medically necessary preventative physical therapy for insureds diagnosed with multiple sclerosis.

### HB 267 (Davis)

#### ELECTIONS – GRACE REGISTRATION

Amends the Election Code. Provides that grace period registration runs through the day of the election or primary (now, runs until the 14th day before the election or primary).

### HB 273 (Stephens)

#### PROPERTY TAX – DISABLED VET

Amends the Property Tax Code. Requires the county clerk to abate a percentage of the property taxes levied on each parcel of property that is owned and used exclusively as a home by a disabled veteran, or the spouse or unmarried surviving spouse of the veteran. Provides that the percentage of taxes to be abated is equal to the percentage of disability of the veteran.

### HB 295 (Mathias)

#### COOK COUNT PERSONNEL DIR.

Amends the Counties Code. Requires the county board of Cook County to appoint an independent county personnel director.

### HB 296 (Mathias)

#### HOMESTEAD EXEMPTIONS

Amends the Property Tax Code. Provides that the alternative general homestead exemption applies on a permanent basis and increases the amount of the exemption to \$60,000 for taxable year 2009 and thereafter.



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