



UNITED COUNTIES COUNCIL OF ILLINOIS

LEGISLATIVE HIGHLIGHTS 101ST Illinois General Assembly Spring Session

June 10, 2019



END OF SESSION

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In what many around the Capitol are calling an “historic” spring session, the 101st General Assembly passed many high-profile pieces of legislation. Let’s take a look...

- \$40 billion operating budget
 - Revenue bill – Senate Bill 689
 - Appropriations bill – Senate Bill 262
 - Bill includes nearly \$350 million in diversions from Corporate Personal Property Replacement Tax revenues that would otherwise be distributed to local governments. This is an approximate \$50 million increase from the 2019 fiscal year
 - Budget Implementation (BIMP) – Senate Bill 1814
- \$45 billion public works construction program
- Gaming expansion
 - Includes 6 new casinos (Chicago, South Suburbs, Rockford, Danville, Waukegan and Williamson County)
 - Legalized sports gaming
 - Allows for current river-based casinos to re-locate to land-based brick and mortar facilities
 - Allows for sports wagering at the Metro East St. Louis racetrack
- Recreational marijuana
 - Residents age 21 and older can legally possess 30 grams of cannabis, 5 grams of cannabis concentrate, or 500 milligrams of THC contained in a cannabis-infused product. Non-residents can possess 15 grams of cannabis
 - Beginning January 1, 2020, counties would be authorized to impose up to a 0.75% tax for recreational cannabis sales that occur within municipalities
 - Would allow for up to a 3.75% sales tax within unincorporated areas
 - Senate Bill 2023 allows all counties to impose a 3% sales tax on recreational cannabis
 - Local governments may adopt opt out ordinances within one year
 - Individuals permitted to use medicinal marijuana may grow 5 plants at home
- Proposed amendment to eliminate the Illinois Constitution’s flat income tax mandate
 - Constitutional amendment will place a question on the November 2020 ballot asking the voters if the Illinois Constitution should be amended to allow for graduated income tax rates

Not all measures received the attention of the above. Those include:

- Package of measures intended to address sexual harassment and discrimination in the private sector and at the Capitol
- Medical marijuana program became permanent
 - 12 additional conditions were added for qualifying patients, including autism, chronic pain and migraines
- Enhanced penalties for violating Scott's Law
- Hotels and motels will be required to train employees on how to recognize instances of human trafficking
- Local law enforcement agencies would be prohibited from entering into agreements with U.S. Immigration and Customs Enforcement to enforce federal immigration law
- \$40,000 minimum salary for public school teachers
- Smoking in a vehicle carrying someone younger than 18 will be prohibited
- Illinois residents would be able to identify as nonbinary, rather than male or female, on driver's licenses or state identification cards
- Potential employers would be prohibited from requiring job applicants to disclose their salary histories

Many are wondering how Illinois is going to pay for a \$45 billion public works plan. Here's how:

- Gas/diesel tax increase
 - The state's 19-cent-per-gallon motor fuel tax doubles starting July 1
 - Municipalities in Cook County could separately levy a 3-cent-per-gallon motor fuel tax
 - Increases the state's 21.5-cent-per-gallon by \$.24
- Fees for motorists
 - Increase of license plate fees by \$50 to \$151 annually, starting with the 2020 registration year
 - Raises a charge for electric vehicles to \$248 per year from \$35 for two years, starting January 1, 2020
- Smoking and vaping
 - Increase the state's \$1.98-per-pack cigarette tax by \$1
 - E-cigarettes will be taxed at a rate of 15%.
 - Both increases take effect July 1, 2019

- Parking tax
 - A 6% daily and 9% monthly tax will be imposed on garage and lot parking beginning January 1, 2020
- Online sales tax
 - Expanding the sales tax collected on online purchases to more purchases made through remote, or out-of-state online retailers
- Gaming/Marijuana
 - The capital plan captures state revenues from expanded gambling and legalizing sports betting to fund the building construction component of the public works plan

Impactful Legislation

HB 1561 - Provides that counties may impose a tax to be used exclusively for school facility purposes, school resources officers, or mental health professionals (rather than exclusively for school facility purposes)

HB 2124 - Provides that a public body may hold a closed meeting to consider the appointment, employment, compensation, discipline, performance, or dismissal of specific employees, specific individuals who serve as independent contractors in a park, recreational, or educational setting (rather than specific independent contractors), or specific volunteers of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee, a specific individual who serves as an independent contractor in a park, recreational, or educational setting (rather than an independent contractor), or a volunteer of the public body or against legal counsel for the public body to determine its validity.

HB 2766 - Creates the First Responders Suicide Prevention Act. Provides that emergency services personnel and public safety personnel may refer any person to an employee assistance program or peer support counselor within the emergency services provider or law enforcement agency, or if those services are not available within the agency, to another employee assistance program or peer support counseling program that is available.

HB 2988 - Amends the Counties Code. In provisions concerning wind farms and electric-generating wind devices, makes the provisions applicable even if a county has or has not formed a zoning commission and adopted formal zoning. Clarifies that only a county may establish standards for wind farms, electric-generating wind devices, and commercial wind energy facilities in unincorporated areas of the county outside of the zoning jurisdiction of a municipality and the 1.5-mile radius surrounding the zoning jurisdiction of a municipality. Effective immediately.

HB 3711 - Amends the Equitable Restrooms Act. Provides that all restrooms that are open and accessible to the public in a public building shall be equipped with baby changing facilities that are physically safe, sanitary, and usable for that purpose. Provides that the requirement is in addition to any accommodations that may be made for individuals in accordance with any local, State, or federal laws regarding access for persons with disabilities and to existing fire, health, and safety codes or standards. Defines "public building". Makes a conforming change.

SB 0062 - Amends the Recorder Division of the Counties Code. Modifies how a county recorder determines if a lien is an expired lien under a county's demand and referral program by providing that a lien is expired if a suit to enforce the lien has not been commenced or a counterclaim has not been filed by the lienholder within 2 years after the completion date of the contract as specified in the recorded mechanics lien. Provides that the 2-year period shall be increased to the extent that an automatic stay under specified provisions of the United States Bankruptcy Code stays a suit or counterclaim to foreclose the lien or, if a work completion date is not specified in the recorded lien, then the work completion date is the date of recording of the mechanics lien. Effective immediately.

SB 0689 - Amends the Illinois Estate and Generation-Skipping Transfer Tax Act. Provides that no tax shall be imposed under the Act for persons dying on or after January 1, 2021 or for transfers made on or after January 1, 2021. Effective January 1, 2021, but only if an amendment to the Illinois Constitution permitting the taxation of income at a graduated rate is adopted prior to that date by the voters of Illinois.

SB 1007 - Amends the Recorder Division of the Counties Code. Provides that certificates of discharge and other specified documents relating to military service that have been recorded by a county clerk or recorder of deeds shall be made available for public inspection and copying in accordance with the archival schedule adopted by the National Archives and Records Administration and subject to redaction of information that is considered private under the Illinois Freedom of Information Act, the Federal Freedom of Information Act, and the Federal Privacy Act.

SB 1114 - Amends the Counties Code. Provides that if a county finds that an imminent hazard to the public health or safety exists arising from an unfit condition which requires immediate action to protect the public health or safety, it may bring an action, without bond, for immediate injunctive relief, including causing the removal of unhealthy or unsafe accumulations or concentrations of the following: garbage; organic materials in an active state of decomposition, including, but not limited to, carcasses, food waste, or other spoiled or rotting materials; human or animal waste; debris; or other hazardous, noxious, or unhealthy substances or materials from a structure or property. Provides that a county may file a notice of lien for the cost and expense of actions taken.

SB 1236 - Amends the Local Government Officer Compensation Act and Counties Code. Provides that an elected officer of a unit of local government, including county board members, shall not receive a salary or other compensation from the unit of local government if the member is receiving pension benefits from the Illinois Municipal Retirement Fund for the elected official's service in that same elected position and, if a current officer is receiving benefits, then reduces the official's salary and compensation to zero at the beginning of the official's next term. Limits home rule powers. Further amends the Counties Code. Provides that a chairman of a county board who is chosen by the board may be removed, for cause or without cause, upon a motion adopted by an affirmative vote of four-fifths of the board and the chairman removed maintains his or her status as a member of the county board. Includes procedures to replace the chairman. Provides that a vendor wishing to contract with a county for goods and services in an amount greater than \$30,000 shall disclose to the county, prior to a county board's vote on the contract, any familial relationship between the vendor and specified county officials. Requires the county board to notify newly elected countywide officials elected in or after November 2016 of the option for an auditor to conduct a transitional audit at the county's expense (limiting home rule powers).

SB 1580 - Amends the Counties Code. Provides that a non-home rule county with a population of at least 900,000 may adopt an ordinance with reasonable regulations concerning the operation of an adult entertainment facility in unincorporated areas of the county that involves exposure of specified anatomical areas or performance of specified sexual activities by a person within the business' premises or that offers or provides sexually oriented entertainment services or activities. Provides if the county has established a licensing program as part of its regulation of adult entertainment facilities, the findings, decision, and orders of the licensing official or licensing body is subject to review in the Circuit Court of the county and that the Administrative Review Law apply to and govern the judicial review. Allows a code hearing unit of non-home rule counties with a population of at least 900,000 to enforce and prosecute violations of the adult entertainment facilities ordinance through its administrative adjudication program.

SB 1699 - Amends the Freedom of Information Act. Prohibits, with exceptions, a law enforcement agency from publishing booking photographs on its social networking website (instead of its social media website). Provides that "social networking website" has the meaning provided in the Right to Privacy in the Workplace Act. Adds the same restrictions to the State Records Act. Effective immediately.

SB 1712 - Amends the Freedom of Information Act. Exempts from disclosure a public body's credit card numbers, debit card numbers, bank account numbers, Federal Employer Identification Number, security code numbers, passwords, and similar account information, the disclosure of which could result in identity theft or impression or defrauding of a governmental entity or a person.

SB 2090 - Provides that each election authority shall collaborate with the county jail within the jurisdiction of the election authority to facilitate voting by mail for voters eligible to vote in the county who are confined or detained in the county jail. Provides that in a county with a population of 3,000,000 or more, the election authority in the county shall establish a temporary branch polling place in the county jail. Provides that a refusal by an eligible voter to participate in the voting process must be documented by the voter or witnessed by a poll watcher. Provides that individuals who facilitate a vote by mail process must receive training on the process, responsibilities, and requirements of implementing a vote by mail program. Contains additional provisions concerning the temporary branch polling place in the county jail. Prohibits certain individuals from being election judges in a temporary branch polling place in a county jail. Amends the Counties Code. Provides that each election authority shall collaborate with the county jail within the jurisdiction of the election authority to facilitate voter registration for voters eligible to vote in that county who are confined or detained in the county jail. Provides that a county jail shall provide a voter registration application to any person in custody at the jail who requests an application and is eligible to vote. Amends the Unified Code of Corrections. Provides that upon release of a person who is eligible to vote, the Department of Corrections shall provide the person with a specified form that informs him or her that his or her voting rights have been restored. Amends the Unified Code of Corrections and Counties Code. Provides that upon discharge from a county jail or release from the Department of Corrections, a person shall be provided with a voter registration form. Provides that the Department, each county jail, and each county probation office shall provide an individual in its custody with specified information on voting rights.