

**MEMORANDUM**

To: CMAP Board and Committees

From: CMAP Staff

Date: May 2, 2012

Re: State Legislative Update

GENERAL ASSEMBLY UPDATE

The General Assembly returned to Springfield after a two-week hiatus in March. The financial stability of the state still remains a major concern. Shortly after Governor Quinn introduced his budget in February, both chambers approved [HJR 68](#), which establishes the revenue estimates available in the general funds for State fiscal year 2013. This allowed the various appropriations committees to meet throughout April with state agencies to discuss agency priorities. CMAP staff is monitoring budget hearings and bill activity for the Department of Transportation to ensure that CMAP funding remains in the Metropolitan Planning and Research Purposes line item. Several other transportation agencies had budget hearings: City of Chicago Department of Transportation, Illinois Tollway, Regional Transportation Authority, and the three service boards all went before the House Appropriations Public Safety committee.

CMAP is also watching budget activity for the Illinois Department of Natural Resources (IDNR). Over the past decade IDNR has seen a dramatic decrease of its funding from both general revenue and special funds. The Governor's proposed budget for IDNR is 13.5 percent less, \$34 million, than last year. Improving access to parks and open space is a high priority for GO TO 2040, and a reduction for IDNR directly impacts funding of parks in local communities as well as the acquisition of open space. CMAP has previously received funding for regional water planning from the State. This funding has since been eliminated due to annual budget reductions. IDNR is working with legislators and the Governor's office to gain the authority to charge park entrance and parking fees to help cover the shortfall for state parks, through [HB 5789](#). The bill has passed the House and is scheduled for a hearing in Senate Revenue in early May. Other revenue proposals being discussed to help sustain operations and programs at IDNR include new fees for grant or contract consultation, environmental consultation, water usage, Lake Michigan water permits, and dam usages. However, these proposals have not been introduced.

In addition to the legislative budget hearings, the Governor and legislative leaders have begun trying to address the larger state budget issues regarding the state pension and Medicaid dilemmas. In April, Governor Quinn announced two proposals to address this: the [Medicaid Liability and Spending Reductions](#) proposal and the [Public Pension Stabilization](#) plan, and a constitutional amendment introduced by Speaker Madigan, [HJRCA 49](#), which would require a three-fifths supermajority vote to approve pension benefit increases. HJRCA 49 passed out of the House and is now in the Senate, where President Cullerton is its sponsor. CMAP staff will continue to monitor the budget process and provide information through our Policy Updates blog and Weekly Update email as issues progress.

BILL INFORMATION AND UPDATES

As reported last month, CMAP is actively following 62 bills and resolutions. Two crucial legislative committee deadlines—one in April and the other on Friday, May 4—have passed. Bills that did not meet those deadlines have been deleted from the Bill Summary Report. Third Reading Deadlines for both chambers is May 25, with final adjournment scheduled for May 31.

CMAP is maintaining active support of five bills: HBs [3859](#) (Tax Revenue Sharing Agreements), [3875](#) (RTA Working Cash Notes), [4496](#) (Plumbing Code Updates) and SBs [639](#) (School Construction) and [3216](#) (Public-Private Partnerships). Additional bills, indicated on the attached document with (n), were added to the Summary with descriptions, bill status as of May 1, and an agency position if appropriate.

CMAP staff analyzed several issues before the legislature, including [Economic Development Incentives](#), [Vacant and Foreclosed Properties](#), [Transportation](#), and [Sales Tax Rebates](#) and Access to Information. These analyses can be found on the [Policy Updates](#) section of the CMAP website..

ACTION REQUESTED: Discussion

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2012 Legislative Summary

Subject	Bill	Summary	Status	Agency Position
ACHIEVE GREATER LIVABILITY THROUGH LAND USE AND HOUSING				
Foreclosed Properties	SB16	<p>Sen. Collins (D-Chicago); Rep. Yarbrough (D-Broadview)</p> <p>The amended bill allows municipalities to pass vacant property ordinances and sets consistent standards across the state for "securing" and "maintaining" a property. It can also be seen as supporting the recent Cook County and Chicago vacant property ordinances. It addresses a significant issue in the foreclosure process, which is the lack of a party clearly responsible for and allowed to maintain and secure vacant properties in the foreclosure process. In this case, the loan servicer (mortgagee) is designated as responsible. This allows and requires servicers to enter property and perform basic exterior and interior work that addresses safety and aesthetic concerns.</p> <p>The bill also includes a recent addition that can significantly shorten foreclosure timelines for properties that are vacant. It includes a definition of abandoned and outlines a judicial process for declaring a property abandoned, disposing of personal property in an abandoned property, and expediting the foreclosure process for these properties.</p>	(H) Placed on Calendar 3rd Reading - Short Debate 3/26/12	
School Construction (n)	SB639	<p>Sen. Delgado (D-Chicago); Rep. Beiser (D-Alton)</p> <p>The law currently prioritizes funds for the replacement of aging school buildings. This bill as amended would now allow for the replacement or rehabilitation of aging school buildings using school construction funding, giving school districts discretion to evaluate the option of rehabilitation or replacement of older and or historic school buildings. This bill is aligned with GOTO 2040's emphasis on infill and using existing building stock to achieve greater livability through land use. Effective June 1, 2012.</p>	(H) 2 nd Reading 4/25/12	Support
Foreclosed Properties	SB3676	<p>Sen. Trotter (D-Chicago)</p> <p>From July 1, 2012 through June 30, 2020, county Clerks shall reduce the assessed value of any foreclosed residential property to 10% of its EAV for 5 years if that property is purchased or received for improvement and the purchaser meets several requirements. The parcel must contain a vacant residential building and have been in a foreclosure auction</p>	(H) Revenue Hearing 4/16/12	

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		filed after 1/1/2008. The taxpayer must not intend to occupy the property, but must immediately secure the property and complete improvements within 9 months. Provides definitions of secured property and improvement limits.		
MANAGE AND CONSERVE WATER & ENERGY				
Plumbing	HB4496	Rep. Sente (D-Lincolnshire); Sen. Garrett (D-Lake Forest) Updates the plumbing code so minimum standards are consistent with nationally and internationally recognized plumbing codes that reflect advances in technologies and methods which more efficiently utilize natural resources and protect public health.	(Senate) 2 nd reading 4/18/12	Support
Wasterwater (n)	HB 5319	Rep. Winters (R-Rockford); Sen. Koehler (D-Pekin) Authorizes the board of trustees of a sanitary district to enter into an agreement to sell, convey, or disburse treated wastewater with any public or private entity located within or outside of the boundaries of the sanitary district.	(S) 2 nd Reading 4/19/12	
Wastewater Management	SB2525	Sen. Sandoval (D-Cicero) Holds the Metropolitan Water Reclamation District (MWRD) liable for damages caused by overflowing sewers, drainage ditches and other structures under its jurisdiction.	(S) Judiciary Postponed and 3 rd Reading Deadline Extended 5/11/12	
Water Utilities (n)	SB3573	Sen. Haine (D-Alton; Rep. Phelps (D-Harrisburg) As amended, the bill allows water utility valuations to be based on appraised value, rather than original cost value minus depreciation. This change provides a more accurate approach to determining the value of a system that needs to be sold or bought. It helps municipalities recoup costs when selling a water utility system and helps the investor to determine new water rates. The valuation is done by an ICC appointed assessor. Included in the bill are some consumer rate protections. The bill applies to utilities with 7,500 connections or less. Effective immediately.	(H) Executive Committee 4/16/12	
Air Quality	SB3672	Sen. Rezin (R-Peru); Rep. Tryon (R-McHenry) Limits the authority of the Illinois Pollution Control Board to prescribe ambient air quality standards for criteria air pollutants, such as Nitrogen	(H) 2 nd Reading 4/26/12	

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		Dioxide, if those standards are more exacting than the National Ambient Air Quality Standards set by the Administrator of the United States Environmental Protection Agency. Adopted Senate amendment 1 adds, exemptions for rulemakings of the Illinois Pollution Control Board that implement any type of ambient air quality standard from the requirements that ordinarily apply to general rulemakings, emergency rulemakings, and peremptory rulemakings under the Act. Further amends the Environmental Protection Act. Also exempts those rulemakings from the ordinarily applicable rulemaking requirements of Title VII of the Environmental Protection Act. Effective immediately.		
Energy Efficiency (n)	SB3724	Sen. Harmon (D-Oak Park); Rep. Mussman (D-Schaumburg) Requires the CDB to adopt the International Energy Conservation Code as minimum requirements for commercial and residential buildings and to make training available to builders to ensure compliance. SCA1 removes 3 year requirement. SFA2 provides that CDB adopt code within 1 year of publication	(H) 2 nd Reading 4/26/12	
EXPAND AND IMPROVE PARKS AND OPEN SPACE				
DNR Funding (n)	HB5789	Rep. Osmond (R-Gurnee); Sen. Althoff (R-Crystal Lake) Allows DNR to charge admission fees at state parks and other properties.	(S) Revenue Committee 4/26/12	
DNR Funding	HB6037 SB3901	Rep. Madigan (D-Chicago) and Sen. Kotowski (D-Park Ridge) Makes appropriations for the ordinary and contingent expenses of the Department of Natural Resources for the fiscal year beginning July 1, 2012.	(H) Assigned to Appropriations-General Services Committee 2/29/12 (S) Assigned to Appropriations II 2/28/12	
PROMOTE SUSTAINABLE LOCAL FOODS				
Local food systems	HR734	Rep. Burke (D-Oak Lawn) Resolution urges Congress to adopt a farm bill that supports and promotes the development of local and regional food systems. An identical resolution, SR530 was adopted by the Senate on 2/9/2012.	(H) Resolution Adopted 3/9/12	

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EFFICIENT GOVERNANCE				
DNR Operations (n)	HB404	Rep. Mautino (D-Spring Valley); Sen. Sullivan (D-Quincy) Eliminates legislative mandates the DNR cannot or no longer fulfills. Provides DNR flexibility to restructure in order to meet basic agency demands.	(S) 2 nd Reading 4/19/12	
Spending Limits (n)	HR706	Rep. Madigan (D-Chicago); As amended, the resolution establishes the amounts and percentages of available general funds revenues allocated to each House appropriation committee. Establishes the amounts of the non-discretionary general funds spending items that shall be deducted from the allocations to the appropriation committees. Resolves that the amounts available to each appropriation committee are contingent upon actions being taken to reduce the accrual of Medicaid obligations incurred during State fiscal year 2013 in the amount of \$2.7 billion. Provides that, if the reduction is not achieved in full, then the amounts available to each appropriation committee must be reduced accordingly. Resolves that if the actual amount of general funds that become available during State fiscal year 2013 exceeds the House's estimates, then that excess shall first be used to reduce the backlog of unpaid State obligations.	(H) Resolution Adopted 3/29/12	
Spending Limits (n)	HJR 68	Rep. Madigan (D-Chicago); Radogno (R-Lemont) As amended the resolution establishes the House of Representatives estimates available funds for State fiscal year 2013 to be 33.719 billion.	(H) Resolution Adopted 3/7/12	
Road Districts (n)	SB3047	Sen. Righter (R-Mattoon); Rep. Reis (R-Olney) Amends the Illinois Highway Code. Provides that any municipality that is part of a road district in a county not under a township organization (instead of any municipality with a population of more than 15,000 and part of two or more road districts in a county not under a township organization) may compel the county board to organize the municipality into a separate road district.	(H) 2 nd Reading 4/25/12	
RTA/ Fuel Risk Management (n)	SB3214	Sen. Garrett (D-Highwood); Rep. Tryon (R-McHenry) Allows RTA and the service boards to buy fuel on a long-term contract to protect from volatile fuel prices.	(H) Rules Committee 3/28/12	

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Subject	Bill	Summary	Status	Agency Position
Local Government Consolidation	SB3667	Sen. Link (D-Lincolnshire) Provides for the creation of unified fire protection districts by contiguous units of local government (municipalities, counties, fire protection districts, and townships) to reduce the costs of providing fire protection and emergency medical services. Provides that unified fire protection districts may be created by an intergovernmental agreement. Sets forth the requirements for the petition and intergovernmental agreement, including referendum approval of the agreement. Sets forth the process for referendum approval. Effective immediately.	(S) 2nd Reading 3 rd Reading Deadline extended to 4/26/12	
SUPPORT ECONOMIC INNOVATION				
Business Location Incentive	HB5440	Rep. Mussman (D-Schaumburg); Sen. Harmon (D-Oak Park) Re-enacts the existing Business Location Efficiency Incentive Act which was inadvertently repealed on December 31, 2011. In theory, it would incentivize businesses to locate near public transit and/or near affordable housing. This is aligned with the plan's recommendations and supports livable communities. It also provides incentives to create jobs in areas with high unemployment. The impacts would largely be positive, especially when being awarded to businesses that are moving to the region from out of the region, rather than moving from one area in the region to another. This incentive, enacted in 2005, has never been used by a business, which indicates it may not be a sufficient incentive to encourage the location decisions it aims for. Prior CMAP research has discovered the lengthy process and paperwork is prohibitive.	(S) 2 nd Reading 5/1/12	
Enterprise Zones (n)	SB3688	Sen. Frerichs (D-Champaign); Rep. Sullivan (R-Mundelein) Expands maximize size of Enterprise Zones from 12 square miles to 18 square miles. Extends life of Enterprise Zones from 30 years to 55 years. Gives authority to DCEO to create 10 additional Enterprise Zones between January 2013 and December 2022. Requires zone administrator to collect and aggregate the estimated cost of each building project and the actual project cost. Effective immediately.	(H) Rules 4/26/12	

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Subject	Bill	Summary	Status	Agency Position
REFORM STATE AND LOCAL TAX POLICY				
State Income Tax (n)	SB3619	Sen. Kotowski (D-Park Ridge); Rep. Biss (D-Evanston) Amends the Illinois Income Tax Act regarding the Angel Investment (AI) tax. The AI tax credit is provided to qualifying businesses that meet the following criteria: must be headquartered in the state; at least 51% of employees are in the state, has potential for increasing employment and/or capital investment; and is engaged in innovation in manufacturing, biotechnology, nanotechnology, communications, agricultural sciences, clean energy creation or storage technology. Effective immediately.	(H) Rules 4/10/12	
IMPROVE ACCESS TO INFORMATION				
FOIA	HB3859	Rep. Sente (D-Lincolnshire) Bill amends the Freedom of Information Act (FOIA) to include tax rebates or refunds and require counties and municipalities to post this information online as part of the public record. Defines “tax revenue sharing” and it goes further to include specific language about sales tax rebates and reporting to the Department of Revenue. This bill is aligned with GO TO 2040’s emphasis on access to information and intergovernmental cooperation. Taxing bodies do not always make tax incentive deals public, even though it is an expenditure of taxpayer dollars. While the bill does not address intergovernmental competition over economic development in any direct way, it does address transparency over the use of public funds. We believe this bill is still being negotiated at this time.	(H) 2 nd Reading 3rd Reading Deadline extended 5/31/12	Support
EDGE Tax Credits	HB3934	Rep. Franks (D-Woodstock); Sen. Garrett (D-Highwood) Creates an Economic Incentive Committee within the Department of Revenue for the purpose of approving agreements entered into under the Economic Development for a Growing Economy (EDGE) Tax Credit Act. HCA 2 replaces this and requires DCEO to publish online its agreements developed under the Growing Economy Tax Credit Act.	(S) 2 nd Reading 4/19/12	

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Subject	Bill	Summary	Status	Agency Position
Public Information	HB4514	Rep. Yarbrough (D-Broadview); Sen. Althoff (R-Crystal Lake) Allows counties to microphotograph or otherwise reproduce electronically any records received in writing by the recorder. Applicable for all counties regardless of inhabitants.	(House) Assigned to Counties & Townships Committee 2/27/12	
Public Information	HB5180	Rep. Mathias (R-Arlington Heights); Sen. Schoenberg (D-Evanston) As amended, the bill requires IDOT to develop and publish a policy for procedures for notification of local authorities and elected officials about road or lane closures that are for 5 days or longer.	(S) 2 nd Reading 4/26/12	
INVEST STRATEGICALLY IN TRANSPORTATION				
Public-Private Partnerships	SB3216	Rep. Nekritz (D-DesPlaines) and Sen. Steans (D-Chicago) This bill amends the Public-Private Partnerships for Transportation Act. In addition to making technical changes, the bill as amended would impose new hearing requirements for candidate public-private partnership (PPP) projects, eliminate restrictions on the length of PPP agreements, direct net proceeds from PPP agreements to a new PPPs for Transportation fund, exclude the Illiana Expressway project from the provisions of the Act, and make various changes to the procurement process for PPPs. These modifications would replace the prequalification process with new “shortlisting” provisions, provide that public and private entities have equal opportunities to contract for a PPP candidate project, permit successful public applicants to follow the Illinois Procurement Code rather than the provisions of the Act, require qualifications-based selection of design work, and remove language requiring a transportation agency to be subject to liens granted to a contractor on a PPP project’s revenues. The bills are aligned with GO TO 2040’s recommendations around innovative financing, specifically targeted use of public-private partnerships.	(H) Referred to Rules 3/29/12	Support
IDOT	HB4153	Rep. Madigan (D-Chicago) IDOT budget bill.	(H) 2 nd Reading 3/8/12	
Tollway	HB4078	Rep. Winters (R-Rockford); Sen. Sandoval (D-Cicero) Amends the Toll Highway Act to provide that upon written approval	(S) 2 nd Reading	

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		of the Governor, the Tollway may exercise its authorities under the Toll Highway Act to design and construct new railroad tracks. The Tollway may charge fees to passenger and freight rail operators using its tracks. No monies from the Road Fund may be used to implement these new provisions. We believe this is a Midwest High Speed Rail initiative.	4/19/12	
Parking Taxes	HB5547	Rep. Zalewski (D-Summit); Sen. Hutchison (D-Chicago Heights) The bill allows the option for city and county to levy existing sales taxes on parking through gross receipts rather than individual transactions.	(S) 2 nd Reading 5/1/12	
Toll Increases	SB2530	Sen. Murphy (R-Palatine); Rep. Connelly (R-Naperville) As amended requires that eight directors of the Toll Authority must vote in favor of adopting a proposed toll rate increase. Also provides that no modification of the rates for toll shall be effective unless notice is given at least 90 (instead of 30) days prior to the effective date of the modification.	(H) Tollway Oversight Committee 4/16/12	
IDOT Rail Services	SB2861	Sen. Sandoval (D-Cicero); Rep. Burke (D-Chicago) Creates an escrow account for IDOT to draw on to pay for grade crossing and other railroad repair projects. This bill ensures that railroads would get paid for grade crossings and other railroad repairs through the new escrow account and lowers cost to the State for these projects.	(H) Referred to Rules 3/29/12	
Illiana	SB3318	Sen. Hutchinson (D-Chicago Heights); Rep. DeLuca (D-Crete) Amends the Public-Private Partnerships for Illiana Expressway Act. The bill modifies language regarding procurement to be more aligned with the provisions outlined in the Build-Design Procurement act. Second, the bill would allow IDOT to acquire property for the Illiana Expressway using eminent domain authority and removes restrictions regarding quick-take powers. Construction of the Illiana Expressway is not included as a fiscally constrained major capital project in GO TO 2040. Senate Amendment 1, adopted, restores language providing that a public private agreement includes a provision stating that, in the event the contractor finds it necessary, proper, or desirable to enter into subcontracts with one or more design build entities, then it must follow a selection process that is, to the greatest extent possible, identical to the selection process contained in the Design Build Procurement Act.	(H) Trans: Regs, Roads, & Bridges Committee 4/16/12	

2012 Legislative Summary

Subject	Bill	Summary	Status	Agency Position
INCREASE COMMITMENT TO PUBLIC TRANSIT				
RTA	HB3875	Rep. Colvin (D-Chicago); Sen. Muñoz (D-Chicago) Extends the Regional Transit Authority's ability to issue, sell, and deliver additional Working Cash Notes until July 1, 2014 (now 2012). The bill also caps the amount of Working Cash Notes the RTA could issue to \$300 million. Working Cash Notes are essentially short-term (i.e. less than 24-month) loans to cover operating expenses. Working Cash Notes can cover a cash flow deficit in anticipation of tax receipts or other future revenues. Extending the RTA's authority to issue Working Cash Notes can support GO TO 2040's recommendation to increase commitment to public transit, and to support transit operations.	(S) 2 nd Reading 4/26/12	Support
Suburban Bus Facilities	HB4036	Rep. Nekritz (D-DesPlaines); Sen. Kotowski (D-Park Ridge) Authorizes the Suburban Bus Board to issue bonds to construct and expand facilities including a CNG facility and two garages. While the bill expands Pace's authority to issue bonds, the provisions could limit Pace's ability to meet current and future capital needs as well as restrict its ability to repay the bonds because the bill does not permit that revenues received under the RTA Act be used to repay the bonds.	(S) Executive 4/24/12	
Metra (n)	SB2937	Sen. Althoff (R-Crystal Lake); Rep. Tryon (R-McHenry) Creates the Northwest Metra Commuter Rail District to include all municipalities within McHenry County.	(H) Mass Transit 4/24/12	
Bus on Shoulders (n)	SB3384	Sen. Noland (D-Elgin); Rep. Rita (D-Blue Island) Establishes a pilot project for buses to travel on the shoulders of Randall Road. HA1 includes coordination with local highway departments.	(H) Trans: Regs, Roads, & Bridges Committee 4/16/12	
CREATE A MORE EFFICIENT FREIGHT NETWORK				
Airport Intermodal	SB2527	Sen. Sandoval (D-Cicero) This bill provides that an airport authority has the power to invest in, plan, market, and otherwise support intermodal transportation. Sets forth powers concerning construction, shuttle services, financial support, and	(S) 2 nd Reading 3 rd Reading Deadline extended to 5/11/12	

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		marketing. Further provides that no airport authority may apply for federal funding for intercity bus or train projects without approval of IDOT. SFA 2 adds provisions requiring the airport authority to submit the grant application to IDOT for approval and compliance with published state plans.		

PREVIOUSLY REPORTED BILLS THAT MISSED ORGINATING CHAMBER DEADLINES (DEAD BILLS)

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| <p> HB 0028 Green Special Service Area
 HB 1109 Vacant Properties
 HB 3280 Fracking
 HB 3803 LGDF
 HB 3836 Gas Tax
 HB 3850 Tax Rebate Transparency
 HB 3859 Tax Rebate Transparency
 HB 3864 Road Fund
 HB 3917 Corporate Income Tax
 HB 3918 Corporate Income Tax
 HB 3919 Job Renewal & Enterprise Zones
 HB 3922 Enterprise Zones
 HB 3924 Toll Increases
 HB 3974 Utilities
 HB 4000 Local Parks
 HB 4011 LGDF
 HB 4018 Business Registry
 HB 4140 Aeronautics Funding
 HB 4502 PPP
 HB 4505 Affordable Housing </p> | <p> HB 4509 RTA Public Bidding
 HB 5168 MPS
 HB 5226 Illiana Funding
 HB 5227 School Rehabilitation
 HB 5453 Foreclosed Properties
 HB 5454 Foreclosed Properties
 HB 5456 Foreclosed Properties
 HB 5834 Enterprise Zones
 HB 5841 Water Pricing
 HB 5853 Fracking
 HB 5900 Stormwater Management
 SB 2514 Road Fund
 SB 2516 Capital Projects Fund
 SB 2523 R&D Tax Credit
 SB 2549 Road Fund
 SB 2552 MFT Uses
 SB 2572 RTA Capital Planning
 SB 3236 MFT Uses
 SB 3251 EPA Rules
 SB 3283 MPS </p> |
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(n) Newly added to list