



**April 13, 2018**

**#7-2018**

**TO: IAPD Members**

**FROM: Peter Murphy, Esq., CAE, IOM, IAPD President and CEO  
Jason Anselment, IAPD Legal/Legislative Counsel**

**RE: Important Bill Deadline Today**

Lawmakers have just wrapped up one of the busiest weeks of the legislative session as today marks the deadline for passing bills out of committee in both the House and the Senate. Consequently, hundreds of bills were heard in dozens of committee hearings this week.

Although no legislation is ever truly dead, measures which did not make it out of committee ahead of today's deadline cannot move forward this spring without receiving a deadline extension. This includes many of the nearly 700 bills we are currently tracking.

Below is a summary of several bills that passed out of committee ahead of today's deadline.

**Bills IAPD Is Working to Amend**

As introduced, [HB 4803 \(Parkhurst, L.\)](#) and [HB 4827 \(Parkhurst, L.\)](#) would have restricted the authority of park districts and other local governments by prohibiting a president, vice president, or any park district employee with the title "director" from being appointed or serving as the treasurer of that park district or unit of local government.

Earlier this week, [HB 4803](#) passed out of committee with an amendment that was added as a result of IAPD's negotiations with the bill sponsor.

As amended, [HB 4803](#) removes all of the original language and replaces it with an amendment to the General Not For Profit Corporation Act to provide that an individual may not simultaneously serve as the treasurer of a not for profit corporation and as an officer or chief executive of a political subdivision if the individual has the authority to unilaterally authorize transactions between both the corporation and the political subdivision.

[HB 4803](#) is now on 2<sup>nd</sup> reading in the House, while [HB 4827](#) (which has not been amended) will likely be returned to the House Rules Committee.

Yesterday, [HB 4583 \(Halbrook, B.\)](#), which proposes numerous changes to the Open Meetings Act, passed out of the House State Government Administration Committee.

IAPD **opposes** the bill in its current form because it would allow a court to void any action taken by a public body at an open meeting if the court finds an Open Meetings Act violation, even if it is technical in nature. Such broad authority would create uncertainty with regard to the finality of every decision of a public body at an open meeting. The bill would also require (rather than permit) a court to assess attorney's fees and other litigation costs incurred by a private party who substantially prevails in a civil action brought under the Open Meetings Act.

IAPD **testified to these concerns** at yesterday's committee hearing, and before voting to pass the bill out of committee several members urged the sponsor to work with IAPD on an amendment to attempt to alleviate our concerns. We await the sponsor's response to our concerns.

[SB 3291 \(Clayborne, J., Jr.\)](#) passed out of the Senate Executive Committee on Wednesday and would preempt all local governments from regulating any unmanned aircraft systems, e.g., drones, by declaring such regulation an exclusive power and function of the State to the extent that State-level oversight does not conflict with federal laws, rules, or regulations. The State currently has no such drone regulations aside from restricting drone surveillance for law enforcement purposes.

IAPD **testified in opposition** to the bill at Wednesday's hearing regarding our concerns that the legislation would prevent local park district and forest preserve boards from setting reasonable rules related to drone use within public parks.

Although some federal rules regarding drones presently exist, they do not address the kinds of specific time, place and manner restrictions that are often needed on a community-by-community basis at public parks. In fact, federal and state one-size-fits-all standards are ineffective when it comes to striking a balance in each

community between the needs of citizens who are concerned about safety and privacy in public parks and the desires of recreational and hobbyist drone users who may wish to have designated areas where they are free to fly without fear that they are violating federal restrictions on flights over people.

IAPD is attempting to negotiate an amendment with drone industry proponents to alleviate our concerns by preserving at least some local control over property that is owned or controlled by park districts, forest preserves and conservation districts.

It is possible that the bill could be called for a vote in the Senate before an agreement is reached. **Therefore, if your district has concerns about the inability to limit the use of drones at the local level, we urge you to contact your Senator to express those concerns and provide specific examples that a total prohibition on local drone rules would cause. Please forward any such correspondence and examples to Jason Anselment at [janselment@iparks.org](mailto:janselment@iparks.org).**

**[HB 4104](#) (DeLuca, A.) / [SB 2638](#) (Clayborne, J.)** amends the audit requirements under the Governmental Account Audit Act to address issues that were created by a change in the Comptroller's interpretation of the Act related to audits that use the cash or modified cash basis of accounting rather than the accrual method. Many local governments that use the cash or modified cash basis of accounting received notice late last year from the Comptroller's Office that future audits would be rejected unless they converted to the accrual method of accounting.

Both bills would instead allow local governments that were using non-accrual methods in 2016 to continue to use those methods in the future provided that if they convert to the accrual method in the future, all audits thereafter would need to continue to use that method.

Annual Financial Reports (AFR's) were not affected by the Comptroller's new interpretation and, therefore, are not impacted by the legislation.

IAPD worked with the Comptroller's Office, the CPA Society, and other local governments to find a solution to this issue. **[HB 4104](#)** is on 3rd reading in the House and **[SB 2638](#)** is on 2<sup>nd</sup> reading in the Senate.

### **Other Tracked Bills that Are Moving Forward**

**[HB 4242](#) (McSweeney, D. / Cullerton, T.)** would require local governments and other local taxing bodies to provide **notice to the public** after entering into a severance, separation or other agreement with an employee accused of sexual harassment or sexual discrimination if the change in employment status leading to such an agreement is causally related to the accusation of sexual harassment or sexual discrimination.

The legislation would require the local government to publish a notice on its website within 72 hours after payment has been made and would also require the unit to publish a notice in a newspaper published in its jurisdiction once per week for 5 consecutive weeks. The notice must include: 1) the name of the person receiving the payment; 2) the amount of the payment; 3) the fact that the person receiving the payment has been accused of sexual harassment or sexual discrimination, as the case may be; and 4) whether the employee has admitted to the alleged sexual harassment or sexual discrimination. The legislation further provides that the local government shall not incur liability as a result of any injury or other damages arising from its compliance with these provisions and that the new provisions shall not abridge any contractual status of employer-employee confidentiality.

This bill has already passed the House and is now in the Senate.

[HB 4247 \(McSweeney, D.\)](#), which would prohibit the expenditure of State appropriations to rent or pay for booths, hospitality suites, or other physical space at a convention or gathering of personnel of taxing bodies has passed out of the House Executive Committee and is now on 2<sup>nd</sup> reading in the House.

[HB 4246 \(McSweeney, D.\)](#) and [HB 4248 \(McSweeney\)](#) which would create the "Local Government Convention Expense Control Act" to prohibit the expenditure of public funds by a unit of local government for expenses connected with attendance by an employee or contractor of the unit of local government at a conference or convention remain in the House Rules committee.

[HB 4743 \(Ford, L. / Lightford, K.\)](#) amends the Equal Pay Act of 2003 to provide that no employer may discriminate between employees by paying wages to an African-American employee at a rate less than the rate at which the employer pays wages to another employee who is not African-American for the same or substantially similar work on a job that requires equal skill, effort, and responsibility and is performed under similar working conditions except where the payment is made under: (1) a seniority system; (2) a merit system; (3) a system that measures earnings by quantity or quality of production; or (4) a differential based on any other factor other than: (i) race or (ii) a factor that would constitute unlawful discrimination under the Illinois Human Rights Act. The bill has already passed the House and is now in the Senate.

[HB 4822 \(Halbrook B.\)](#), which is on 2<sup>nd</sup> reading in the House, would create the Local Government Electronic Notification Act to allow (but not require) a unit of local government to establish a process to allow individuals to choose to receive email notifications through an electronic notification delivery system in lieu of governmental mailings that are being sent by U.S. mail and sets forth requirements for the process. If the local government chose to establish the system, email

notifications could only be used in lieu of mailing the notice upon an individual citizen's request.

[\*\*SB 2328\*\*](#) (**Holmes, L.**) amends the Local Government Professional Services Selection Act to allow local governments to develop an alternative process for selecting architectural, engineering, or land surveying services where the cost of such services are between \$25,000 and \$50,000. The bill also sets minimum standards for this alternative process. The bill is on 2nd reading in the Senate.

[\*\*SB 2516\*\*](#) (**Morrison, J. / Gabel, R.**) would require employers who employ individuals who are mandated reporters under the Abused and Neglected Child Reporting Act to inform those employees of available mandated reporter training prior to having the employee sign the acknowledgement that is currently required which states that the employee has knowledge and understanding of certain reporting requirements under the Act.

The bill has already passed the Senate and is now in the House.

[\*\*SB 2482\*\*](#) (**Morrison, J.**) alters the rules under the Illinois Vehicle Code for the use of traditional yellow school buses for non-school activities. The bill first expands the scope of activities for which a traditional yellow school bus can be used without first concealing the "SCHOOL BUS" sign and disabling the signal arms and flashing signal system. In other words, it would permit the use of a traditional yellow school bus for more activities without making alterations to the bus.

The bill, in turn, limits the circumstances under which a traditional yellow school bus may be operated for non-school purposes with the "SCHOOL BUS" signs covered or concealed and the safety systems disabled to only the transportation of passengers over 18 years of age.

Lastly, under current law, a traditional yellow school bus may be driven by an individual with only a valid and properly classified driver's license (CDL) issued by the Secretary of State and not a school bus driver permit when the "SCHOOL BUS" signs are covered and the safety features are disabled. [\*\*SB 2482\*\*](#) would remove that exception and require any driver of a traditional yellow school bus to have a school bus driver permit regardless of whether the safety features are disabled.

The legislation does not affect decommissioned school buses that have been painted a different color and have the safety features disabled.

### **Governor Signs Small Wireless Facilities Act into Law**

Yesterday, the Governor signed [\*\*SB 1451 P.A. 100-585\*\*](#) (**Link, T. / Burke, K.**) that was approved during the Fall Veto Session. As we discussed during last year's Legal Symposium and during Legal/Legislative Part I at the Soaring to New

Heights Conference, this legislation preempts local authority over regulation of small wireless facilities.

IAPD worked with the bill sponsor, Senator Terry Link, very early on in the legislative process last year to exempt park district, forest preserve, and conservation district property from the new law. This important exemption will allow our members to continue to work with the telecommunications industry on a case-by-case basis before permitting a small wireless facility to be placed on property that is owned, leased or otherwise controlled by the park district, forest preserve or conservation district.

## **REGISTER FOR THE LEGISLATIVE CONFERENCE TODAY**

The Legislative Conference, Legislative Reception and Parks Day at the Capitol are only 10 days away on April 24<sup>th</sup> – 25<sup>th</sup>. With the Spring Session in full swing this is the best time to come to Springfield and support IAPD's advocacy efforts at the State Capitol.

**Next week**, we will update you on the key messages related to OSLAD funding and other hot issues that will be delivered at the Legislative Conference. You won't want to miss this year's events, so if you have not already done so [please register today.](#)

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Both the House and Senate have now adjourned for the week. When lawmakers return to the Capitol next Tuesday, April 17, 2018, both chambers will begin to spend more time debating bills on their respective floors as only two weeks remain before the April 27<sup>th</sup> deadline for passing bills out of their chamber of origin.

Also during the next two weeks, amendments will be filed, heard in committee and pass out of a chamber in a matter of hours. It is also quite possible that some of the bills we are tracking could be granted extensions from today's committee deadline. We will continue to closely track those bills on your behalf as well.

As always, you can count on IAPD to be actively engaged in the legislative process and to keep you updated through Legislative Updates and, if necessary, through Legislative Alerts.

In the meantime, please let us know if you have questions concerning any of the bills referenced above or any other specific legislation. Have a wonderful weekend!

Illinois Association of Park Districts

211 E. Monroe Street

Springfield, IL 62701

[Email us](#) | [2175234554](#) | [Visit our website](#)

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