

County Authority Legislation

As of February 19, 2020

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(ISACo)

HOUSE BILLS			
Bill	Sponsor	Title	Summary
H-4056 Support	M. Halpin	Counties Cd-ag Written Opinion	Amends the Counties Code. Provides that the chairperson of the county board or the president or chairperson of the board of county commissioners may ask the State's Attorney to request a written opinion from the Attorney General relating to the official duties of the county board or board of county commissioners and the Attorney General may, when appropriate, furnish a written opinion in response to the request from the State's Attorney. Allows the president or chairperson, after approval of a majority of members on the county board or board of county commissioners, to request a written opinion directly from the Attorney General if the State's Attorney has not requested a written opinion within 30 days after a president's or chairperson's request to the State's Attorney. Amends the Attorney General Act making conforming changes.

H-4123	T. Demmer	working animal protections	Creates the Local Working Animal Protection Act. Defines working animal. Provides that the right to utilize working animals for the benefit and welfare of the animals or those they serve is guaranteed. Provides that no ordinance or rule shall be enacted by a unit of local government, including a home rule unit, that terminates, bans, effectively bans, or creates an undue financial hardship relating to the job or use of working animals or animal enterprise in commerce, service, legal hunting, agriculture, husbandry, transportation, or ranching, including, but not limited to, entertainment, education, or exhibition. Provides that the Act does not: alter State law or rules that regulate animal care, public health, or public safety; or prevent the establishment of or alteration of ordinances or rules by a unit of local government regarding animal care, public health, or public safety. Provides that if a unit of local government has an ordinance or rule that conflicts with the Act, the Act controls. Limits home rule powers.
H-4319	T. McCombie	building fees after disaster	Amends the Counties Code, Township Code, and Illinois Municipal Code. Provides that the governing body of a county, township, or municipality may waive any fees or costs associated with a permit, inspection, or certification of occupancy required by law for construction, reconstruction, alteration, repair, movement to another site, removal, or demolition of a manufactured home, building, dwelling, or structure, either commercial or residential, damaged as a result of a disaster, emergency, weather event, or for any reason deemed warranted in the interests of public safety, welfare, and recovery of the community by the governing body of the county, township, or municipality. Defines disaster. Effective immediately.

H-4397	P. Windhorst	firearms- municipal regulation	Amends the Firearm Owners Identification Card Act. Deletes existing preemption provisions concerning firearms. Provides that regulation of the ownership and possession of firearms and related items are the exclusive powers and functions of the State. Provides that a local government, including a home rule unit, may not require registration, reporting of the sale or transfer of a firearm, or maintenance of a firearm registry. Provides that any existing or future local ordinances or resolutions imposing any registration requirement on firearms and related items are invalid and void. Effective immediately.
H-4416	A. DeLuca	cannabis-sales	Amends the Cannabis Regulation and Tax Act. Provides that a county may not authorize or permit the sale of adult-use cannabis within the 1.5 mile radius of contiguous unincorporated territory surrounding the corporate limits of a municipality that has prohibited the operation of adult-use cannabis dispensing organizations within the municipality.
H-4472	K. Burke	pencl-forest preserve-tax levy	Amends the Cook County Forest Preserve Article of the Illinois Pension Code. In a provision concerning the property tax levy for providing revenue for the Fund, provides that the forest preserve district may use other lawfully available funds in lieu of all or part of the levy.

H-4574	M. Edly-Allen*	Counties & Animal Husbandry	Amends the Counties Code. Provides that Lake County may regulate animal husbandry on any size parcel of land when such purposes constitute the principal activity on the land. Provides that such regulations include, but are not limited to: eliminating uses, buildings, or structures; requiring permits for land used for animal husbandry; regulating the erection, maintenance, repair, alteration, remodeling, or extension of buildings or structures used or to be used for animal husbandry purposes; requiring buildings or structures for animal husbandry purposes to conform to building or setback lines; and establishing a minimum lot size for residences on land used for animal husbandry.
H-4596	A. Grant	local government-tech	Amends the Small Wireless Facilities Deployment Act. Makes a technical change in a Section concerning the short title.
H-4598 Support	R. Mayfield	public defender-appointment	Amends the Counties Code. Provides that, beginning on July 1, 2021, upon the expiration of each Public Defender's term of office in a county with under 1,000,000 population, the chairperson of the county board or the executive of a county board of commissioners shall, after receiving a recommendation or recommendations provided by an independent citizen's advisory council, appoint the Public Defender with the advice and consent of the county board. Provides for citizen advisory council membership and appointment requirements. Excludes appointments of the same Public Defender in adjoining counties. Makes conforming changes. Effective immediately.

H-4680 Oppose	J. Sosnowski	local business anti-poaching	Creates the Local Government Business Anti-Poaching Act. Provides that no municipality or county shall offer any incentive after the effective date of the Act to a business or corporation to move its headquarters located in Illinois, or any part of its business located in Illinois, farther than 10 miles away from the current location at the time of the offering of the incentive. Defines incentive. Limits home rule powers. Effective immediately.
H-4701 Oppose	K. Willis	battery-charged fence alarms	Creates the Battery-Charged Fence Alarm Act. Provides that a municipality or county may not: (1) require a permit or fee for the installation or use of a battery-charged fence alarm that is in addition to an alarm system permit issued by the municipality or county; (2) impose installation or operational requirements for the battery-charged fence that are inconsistent with the Act; or (3) prohibit the installation or use of a battery-charged fence. Defines terms. Limits home rule powers.
H-4704 Oppose	S. Harper	right to garden act	Creates the Right to Garden Act. Allows the State or a unit of local government to regulate gardens on residential property unless the statute or regulation has the practical effect of precluding gardens on residential property entirely. Defines the terms garden and residential property. Limits home rule powers. Effective immediately.

H-4706	S. Harper	bring your own cannabis	Amends the Counties Code and the Illinois Municipal Code. Provides that the corporate authorities of a county or municipality may license or regulate businesses operating as a public accommodation that permit the consumption of cannabis on the business premises and that are not regulated under the Cannabis Regulation and Tax Act. Provides an exemption from a provision of the Cannabis Regulation and Tax Act. Defines public accommodation. Effective immediately.
H-4819	N. Hammond	Muni Election Commsn.	Amends the Election Code. Provides that the county board or board of county commissioners of a county with a population of less than 100,000 may, by ordinance or resolution, dissolve a municipal board of election commissioners within that county and transfer its functions to the county clerk.
H-4854 ISACo Agenda Support	M. Halpin	county bd/chair legal counsel	Amends the Counties Code. Provides that the chairperson of the county board may appoint, with the advice and consent of the county board, an outside attorney to serve as legal counsel to the county board. The chairperson may choose the State's Attorney as legal counsel who shall receive additional compensation as appropriate. Provides that the chairperson, by written order filed with the county clerk, may discontinue the appointment of the outside counsel appointed and prevents compensation to the outside counsel after the discontinuance. Provides that the duty of a State's Attorney to be legal counsel are in addition to the statutory duties of the State's Attorney and the State's Attorney shall not receive additional compensation for the duties performed.

H-4869 Oppose	R. Gabel	local-accessory dwelling units	Creates the Local Accessory Dwelling Unit Act. Defines terms. Provides that a unit of local government may not prohibit the building or usage of accessory dwelling units in the unit of local government. Provides that a unit of local government may provide reasonable regulations relating to the size and location of accessory dwelling units similar to other accessory structures unless a regulation would have the effect of prohibiting accessory dwelling units. Limits home rule powers.
H-4907 Oppose	T. Weber	Taxpayer Protection Act	Creates the Taxpayer Protection Act. Provides that, on and after the effective date of the Act, for bonds or incurred debt issued through a referendum by a unit of local government or school district, the bonds or incurred debt shall not be extended or reissued unless authorized by a referendum. Provides that a unit of local government or school district shall not submit the question concerning the extension or reissuance of a bond or incurring debt to voters in a referendum until at least one year has passed since the retirement of the bond or debt approved by a referendum. Provides that, on and after the effective date of the Act, a unit of local government or school district shall not submit a question concerning the issuance of a bond or incurring debt to the voters in a referendum until at least one year has passed since that unit or district last proposed a question or proposition concerning the issuance of bonds or incurring debt in a referendum. Limits home rule powers; related clarifications.
H-5163	N. Manley	toll bridge act-rate agreement	Amends the Toll Bridge Act. Provides that a county board may alter and change the rates of toll by entering into an agreement establishing a toll rate schedule for a period not to exceed 99 years.
SENATE BILLS			

Bill	Sponsor	Title	Summary
S-2322 Oppose	J. Plummer	Prohibit Local Governments from Hiring Contract Lobbyists	Amends the Public Officer Prohibited Activities Act. Provides that a unit of local government may not use public funds to pay a lobbyist or lobbying entity. Limits home rule powers.
S-2524 Support	L. Holmes	prop tx-board qualifications	Amends the Property Tax Code. Provides that, in a county under township organization with less than 3,000,000 inhabitants and an appointed board of review, the county board may, by resolution, require that members of the board of review have certain professional assessment designations. Provides that, if the county board requires those designations, then provisions of the Code concerning the political makeup of the board of review do not apply to that county. Effective immediately.
S-2532	D. Syverson	counties-attorney fee payments	Amends the Counties Code. Provides that payment for attorney's fees or litigation expenses shall be made from the funding source the county determines to be appropriate.

S-2999	C. Castro	forest/conservation design-build	Creates the Forest Preserve District and Conservation District Design-Build Authorization Act. Provides that a forest preserve district or conservation district may enter into design-build contracts. Includes scope and performance criteria for design-build contracts, a two-phase procedure for selection of contracts, requirements for submission of proposals, procedures for awarding contracts, and requirements of reports and evaluation of contracts. Provides that if the total overall cost of a project is estimated to be less than \$12,000,000, the forest preserve or conservation district may combine the two-phase procedure for selection into one phase. Amends the Conservation District Act, Downstate Forest Preserve District Act, and Cook County Forest Preserve District Act making conforming changes. Further amends those Acts increasing the minimum contract amount to \$50,000 (currently \$25,000) before competitive bidding is required. Effective January 1, 2021.
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S-3329 Oppose	S. Bennett	right to garden act	<p>Creates the Right to Garden Act. Provides that the State or a unit of local government may not regulate gardens or the use of season extension techniques and devices on residential property. Provides that the Act does not preclude the State or a unit of local government from adopting statutes or regulations pertaining to: restrictions on water use during drought conditions; existing or future adoption of property setbacks; maximum lot coverage; utility safety; fertilizer use; control of invasive species; a substance regulated under the Illinois Controlled Substances Act, the Industrial Hemp Act, or the Cannabis Regulation and Tax Act; or any other regulation that does not have the effect of prohibiting gardens. Defines the terms garden, residential property, and season extension techniques and devices. Limits home rule powers. Effective immediately.</p>
S-3396 Support	C. Weaver	minimum wage local option	<p>Amends the Minimum Wage Law. Provides that units of local government may enact ordinances to opt into a reduced minimum wage that is less than the wage otherwise required under the Law. Provides for minimum wages based upon a percentage of the otherwise required minimum wage depending upon the region of the State. Establishes 6 regions for purposes of determining the minimum wage. Provides that in regions where the minimum wage is reduced, the unit of local government must establish a procedure to increase the local minimum wage by at least 5% per year beginning January 1, 2026 and continuing until the local minimum wage is established at \$15 per hour. Provides for reduced minimum wages for employees who have not worked 650 hours during a calendar year for an employer. Effective immediately.</p>

S-3423	M. Bush	carryout bag fee act	Creates the Carryout Bag Fee Act. Provides that a carryout bag fee of \$0.10 is imposed on each carryout bag used by a customer at retail establishments, except in municipalities with a population greater than 1,000,000, with \$0.03 being returned to the retail establishment, \$0.04 into the Carryout Bag Fee Fund, \$0.01 to the Prairie Research Institute of the University of Illinois, \$0.01 into the Solid Waste Management Fund, and \$0.01 into the Partners for Conservation Fund. Provides that the carryout bag fee does not apply to the retail sale or use of carryout bags that are used to carry items purchased under specified governmental food assistance programs. Repeals the new Act on January 1, 2026. Amends the State Finance Act making conforming changes. Amends the Counties Code and Illinois Municipal Code. Provides that a county or municipality may not ban, place a fee or tax on, or regulate in any other manner the use, disposition, content, taxation, or sale of carryout bags. Limits the applicability of the provisions as they relate to a county or municipality that charged a fee or tax on carryout bags on May 1, 2020 and specified recycling programs. Limits home rule powers.
S-3445	N. Anderson	nonfireworks	Amends the Fireworks Regulation Act of Illinois. Provides that the storage, possession, sale, and use of nonfireworks shall be permitted at all times throughout the State. Requires regulation of nonfireworks, including their storage and sale, to be consistent with the standards set forth in the National Fire Protection Association's Code for the Manufacture, Transportation, Storage and Retail Sales of Fireworks and Pyrotechnic Articles, 2006 edition. Provides that the amendatory provisions do not apply to the City of Chicago. Defines nonfireworks.

S-3459	P. Joyce	food handling- lemonade stands	Amends the Food Handling Regulation Enforcement Act. Provides that, notwithstanding any other provision of law, a unit of local government or local public health authority shall not require a license, permit, or fee for the sale of lemonade or other nonalcoholic beverage by an individual under 18 years of age from a stand on private property with permission of the owner of the private property or in a public park. Provides that an individual selling lemonade or other nonalcoholic beverage under the provisions and the owner of private property upon which the lemonade or other nonalcoholic beverage is sold do not owe a duty of care to persons buying lemonade or nonalcoholic beverages, and are not liable for any injury incurred by such persons except for willful or wanton misconduct or gross negligence. Provides that a unit of local government or local public health authority may require an individual selling lemonade or nonalcoholic beverage under the amendatory provisions to provide notice of his or her lack of a duty of care and liability. Effective immediately.
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S-3489	D. Syverson	video gaming-local government	Amends the Video Gaming Act. Provides that imposing fees on an establishment authorized to conduct video gaming and on terminal operators is an exclusive power and function of the State. Prohibits a unit of local government with a population under 2,000,000 from applying any additional tax on net terminal income. Provides that a unit of local government (rather than a non-home rule unit of government) may not impose a fee for the operation of a video gaming terminal in excess of \$100 per year (rather than \$25). Provides that any unit of local government imposing a fee for the operation of a video gaming terminal in excess of \$100 on or before January 1, 2020 may retain its fee structure but may not increase fees beyond the limit provided in the provisions. Provides that a home rule unity may not regulate the provisions in a manner inconsistent with the provisions. Effective immediately.
S-3513 Support ISACo Agenda	E. Sims, Jr.	counties-adult entertainment	Amends the Counties Code. In provisions allowing a non-home rule county to adopt an ordinance with reasonable regulations concerning the operation of specified adult entertainment facilities or businesses in unincorporated areas of the county, removes a restriction limiting the provisions to non-home rule counties with a population of at least 900,000. Makes a grammatical change. Effective January 1, 2021.

S-3564 Support	J. Curran	counties code-nuisance trees	<p>Amends the Counties Code. Provides that a county board may adopt reasonable regulations for the control and eradication of diseased, damaged, dead, or insect-infested trees, including trees: with Dutch elm disease or elm blight; infested by the Emerald Ash Borer, Asian Longhorn Beetle, Gypsy Moth, or other parasitic organisms; or that have been severely damaged or at a risk of falling (currently, the county board may regulate for the control and eradication of Dutch elm disease or elm blight). Provides that a county board may adopt an ordinance declaring it to be a nuisance to keep or maintain any diseased, damaged, dead, or insect-infested tree which presents a risk of falling onto any public way or public property, including utility easements and watercourses. Provides that the ordinance may authorize the county to remove nuisance trees when the property owner fails to do so in a timely manner after receiving notice thereof and to have a lien placed on the subject property for the costs of the tree removal.</p>
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