

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-4144/P1dn  
MDK:jld:kjf

January 25, 2002

Representative Schoof:

Please review this preliminary draft carefully to make sure it achieves your intent. I will prepare a final version after you have reviewed the questions raised in the NOTES that are included in the text.

What do you want to do, if anything, about regulation by cities, villages, towns, and counties? Note that the Illinois law includes a provision that allows local units of government to adopt more stringent requirements than those in the law. I haven't included such a provision in this bill because I am not sure about your intent.

Under current law, cities and villages may use their home rule authority to regulate roofers. If the bill passes, someone could argue that the state has preempted the authority of cities and villages to regulate roofers. However, for that argument to succeed, one would also have to argue that the regulation of roofers is primarily a state concern, but I don't think that is a very convincing argument. Therefore, as drafted, I don't think that the bill affects the authority of cities and villages.

Counties and villages may act in an area only if a statute specifically authorizes them to do so, or their authority is necessarily implied from a specific grant of authority. I'm not aware of any statutory authority that one could use to imply that counties and villages may regulate roofers. Therefore, I don't think that counties and villages may regulate roofers under current law and, as drafted, the bill does not affect counties and villages.

Please contact me if you want to revise the bill to address the issue of local regulation.

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