

Lake County, Illinois

FY 2017 State and Federal Legislative Program

STATE

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As the political and economic climate continues to change, Lake County government strives toward fiscally stable, efficient, and transparent operations. A primary way that Lake County improves its operations is through maintaining strong partnerships with state and federal legislators. Through the County's policies and partnerships, the residents of Lake County continue to receive valuable, efficient, and cost-effective services.

In 2017, as in previous years, the Lake County Board appreciates the opportunity to meet with our state and federal legislators to discuss challenges facing our County. With these challenges, it is essential that Lake County governs without the restrictions of various statutes and public acts slowing down the process to ensure a high quality of life for Lake County residents.

Lake County government is well aware of the state and federal governments' ongoing financial situations and has tried to be responsive and responsible in preparing the 2017 legislative program.

As in the past, the purpose of County legislative policy is to:

1. Support legislation granting additional permissive authorities for counties.
2. Support legislation allowing counties to expand non property tax revenue sources.
3. Oppose unfunded mandates imposed by the state or federal government.
4. Oppose legislation that would reduce the existing authority of county government.
5. Oppose proposals that erode the existing County revenue base.

Specifically, with respect to legislative policy numbers three and five, Lake County aggressively opposes any action that will divert, redirect, or reduce any funds owed and/or due to units of local government (i.e. sales tax, income tax and Personal Property Replacement Tax), in order to fund obligations of the State or any State agency.

Sponsorship of specific initiatives and support of other proposals listed in the 2017 Lake County Legislative Program will be greatly appreciated.

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Categories

1. **Sponsor:** Lake County sponsored initiatives.
2. **Support:** Seek to support partner organizations in their sponsorship of the initiative.
 - *These proposals are broad-based with impacts that extend beyond Lake County. It is most appropriate for a coalition or statewide organization to lead these initiatives. Lake County will support these proposals and the efforts of a coalition or statewide organization.*

STATE Initiatives to Sponsor

Topic: Inmate Welfare Fund

Issue: Under Illinois Administrative Code, each jail may establish and maintain a commissary system to provide detainees with items or access to service approved by the Sherriff. The code further stipulates that net profits from the commissary system shall be used for education, recreation or other purposes within the jail for the benefit of detainees as deemed appropriate by the Sheriff. Profits may be used for record keeping expenses of the commissary.

Currently, the Lake County Sheriff's Department maintains an inmate welfare fund as set out under this administrative code. However, the language of the code does not clearly delineate what is appropriate use of inmate welfare funds for detainees. The Lake County Sheriff's department has a \$2 million jail medical contract for the basic medical care of its detainees. Additionally, the Sheriff's Department has a fund balance of \$1.1 million in the inmate welfare fund. A clarification of the code to permit use of inmate welfare funds for the basic healthcare of detainees would help offset costs of the jail medical contract.

Recommendation: Request the Department of Corrections to file a revised administrative rule to change the Illinois Administrative Code, Title 20: Corrections, Criminal Justice, and Law Enforcement, CHAPTER I: Department of Corrections Subchapter f: County Standards Part 701 – County Jail Standards: Section 701.250 Commissary e), that would add clarifying language to allow for profits from the commissary system to be used for the basic medical care of detainees.

STATE Initiatives to Sponsor

Topic: Judicial Facilities Fee

Issue: Under the Counties Code, the boards of Kane County and Will County are permitted to impose, by ordinance and with concurrence of the respective Chief Judge, a judicial facilities fee to be used solely for the building of new judicial facilities. The counties may impose different fee rates for various types or categories of civil and criminal cases not to exceed \$30.00.

With the ability to set a judicial facilities fee, both Will County and Kane County are able to offset some of the capital costs incurred as a result of building their new judicial facilities. Lake County is currently not included in this legislation and is not permitted to impose said fee. As Lake County continues to work on the \$130 million Lake County Courthouse and Depke Juvenile Justice Center Expansion projects, the ability to set a judicial facilities fee would provide the County an option to help offset capital costs of new judicial facilities and maintain a high level of service to tax payers.

Recommendation: Sponsor an amendment to the Counties Code (55 ILCS 5/5-1101.3) to include the Lake County Board among those of Will County and Kane County to have the ability to set, by ordinance, a judicial facilities fee not to exceed \$30.00 to be used for the construction of new judicial facilities.

STATE Initiatives to Sponsor

Topic: Final Notice of Taking for Vacant Property

Issue: The Property Tax Code requires counties to notify property owners three different ways with the final take notice for tax liens:

1. By newspaper publication;
2. By certified mail from the Circuit Court Clerk; and ~~By newspaper publication; and~~
3. By personal service from the Sheriff, or if unable to be served personally, by certified mail from the Sheriff. ~~By certified mail from the Circuit Court Clerk.~~

For tax liens on vacant properties, multiple final take notices are unnecessary and inefficient. ~~By eliminating the publication requirement and requiring personal service from the Sheriff only if their certified mailing is unsuccessfully delivered and publication requirements for final take notices,~~ Lake County could save more than \$~~3023,000~~ annually while providing property owners with the necessary notice of taking ~~in publication, administrative, and postage costs.~~

Recommendation: Sponsor an amendment to the Property Tax Code (35 ILCS 200/22-15 and 35 ILCS 200/22-20) that excludes the publication requirement and requires personal service ~~requirements~~ only if the certified mailing from the Sheriff is unsuccessfully delivered, for vacant properties.

STATE Initiatives to Sponsor

Topic: Vote-by-Mail Envelopes

Issue: The Election Code requires voters to endorse both their ballot and the back of the envelope in which the ballot is returned. -Additionally, voters can authorize someone to hand-deliver the vote-by-mail ballot to the County Clerk, which requires that authorized person to print and sign the exterior of the envelope as well. As a result, County Clerks must have vote-by-mail envelopes printed with signature instructions on the back of the envelope, which does not comply with U.S. Postal regulations. -Additionally, by signing the exterior of the envelope, voters and their authorized deliverers are exposed to a greater risk of identity theft.

Recommendation: Sponsor an amendment to the Election Code (10 ILCS 5/19-6) by removing the signature requirement ~~for voters to sign on~~ the back of ~~their~~ vote-by-mail envelopes.

STATE Initiatives to Support

Topic: Addressing the Usage of Opiates

Issue: ~~There is an~~Due to the increasing concern ~~about regarding~~ the use of opiates among Illinois residents. ~~As a result, the Illinois General Assembly created the Young Adults Heroin Use Task Force to conduct a study on the heroin use problem in high schools to address the problem and suggest programs which may involve local law enforcement. Further, in April 2014, House Resolution 883 (passed April 4, 2014) directed the House Task Force on Heroin Crisis to develop legislative proposals to combat the Illinois heroin crisis. A result of the Task Force's work was House Bill 1, a comprehensive, bipartisan bill passed in September 2015 that addresses opiate abuse statewide.~~

Recommendation: ~~S~~Continue support of the Illinois General Assembly's efforts to address the use of opiates through legislative proposals geared towards public awareness, state tracking of opiate overdose, obtaining controlled substances or prescriptions for controlled sources from multiple sources (i.e., "doctor shopping"), and opiate education.

STATE Initiatives to Support

Topic: Underground Utility Location Act: Change Definition of Storm Sewers as Underground Utility Facility

Issue: State law currently requires that counties treat underground storm sewers located within the highway right-of-way as “Underground Utility Facilities” as defined in Section 2.2 of the Underground Facilities Damage Prevention Act. The consequences of this classification require most counties to incur considerable expenses to process and field locate the facilities upon receipt of the many dig requests, received on a daily basis, from the “State-Wide One-Call Notice System” administered by JULIE. All authorized work taking place within the right-of-way is either by permit issued by the county or it is work being done behalf of the county by a contractor. Counties have the ability to require that the facilities are located for this work using practices that are already established. This is the process that the State of Illinois (IDOT) follows to manage locates related to their underground storm sewer facilities and counties in northeastern Illinois should be allowed to follow the same procedures. The costs to counties required to process these dig requests is significant and continues to increase each year. These are resources that could be put towards highway improvements and roadway maintenance.

Recommendation: Support an amendment to (220 ILCS 50/) Illinois Underground Utility Facilities Damage Prevention Act to specifically exclude underground storm sewers located within County right-of-way from classification as an “underground utility facility” for the purposes of the act.

STATE Initiatives to Support

Topic: Extend the Illinois Affordable Housing Tax Credit

Issue: The Illinois Affordable Housing Tax Credit (IAHTC) encourages private investment in affordable housing by providing qualifying donors with a one-time tax credit on their Illinois state income tax equal to 50% of the value of the donation. The donor can choose to transfer the credits to the project, which creates additional project financing through syndication of the credits.

When IAHTC was approved in 2001, the state authorized \$13 million in tax credits with a 5% annual increase in the credit allocation. The current allocation of this credit is for approximately \$27 million, which would be foregone tax income for the state. From 2001-2014, the state allocated \$245.8 million. This has amounted to \$360 million in assets donated from private sources to affordable housing development; \$3.3 billion worth of economic investment; more than 25,000 jobs created with over \$1 billion in wages and business income; and preserved or created over 17,000 homes and apartments, thereby stabilizing housing for seniors, families, veterans, and people with disabilities.

The tax credit is expiring on December 31, 2016. If it is not extended, affordable housing development, non-profit agencies using the credits, and citizens in need of affordable housing will suffer in Lake County and across the state.

Recommendation: Support Senate Bill 083 (or an amendment which contains its language) which seeks to extend the Illinois Housing Tax Credit which will provide for the current allocation of approximately \$27 million in tax credits.

FEDERAL Initiatives to Support

Topic: Changes to Health Insurance Portability and Accountability Act (HIPAA)

Issue: The Health Insurance Portability and Accountability Act (HIPAA) is not clear about what triggers a disclosure by treatment providers to law enforcement, family members, or others when there is a threat of "serious and imminent" danger to oneself or others.

HIPAA provides a "presumption" that the provider is acting in good faith if they disclose their concern. Many treatment providers are not aware of this presumption or are not certain what the "presumption" means and what constitutes "acting in good faith."

Amendments to HIPAA are needed to clarify the notion of the "presumption" that if a treatment providers act in "good faith," they may disclose their concern to appropriate parties (i.e., family members or law enforcement officials) when there is a threat of "serious or imminent" danger to oneself or others.

Further, disclosure to appropriate parties could be limited to when:

- Individuals are 26 years old and younger (the Affordable Care Act allows for individuals to be on their parents' insurance until the age of 26); and/or
- Individuals (26 years old and younger) sign themselves out of treatment "against medical advice".

Recommendation: Support amendments to HIPAA that would allow treatment providers to disclose their concern based on a clear understanding of the "presumption" and what constitutes acting in "good faith." Furthermore, parents and authorities would be notified if there is a safety issue and when certain individuals (i.e., 26 years old or younger and are on their parent's insurance) sign themselves out of treatment "against medical advice."