

## **Lake County, Illinois**

### **FY 2016 State and Federal Legislative Program**

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## **Lake County, Illinois**

### **FY 2015 State and Federal Legislative Program**

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 2016, 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 2016 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. In March 2015, Lake County Chairman Aaron Lawlor shared the "Memo to the Illinois Local Government and Consolidation and Unfunded Mandate Task Force". The memo identifies a number of unfunded mandates and various opportunities to increase efficiency, which the task force continues to evaluate. Relief from such mandates would save taxpayers millions of dollars. The 2016 Legislative Program includes two items from the unfunded mandate memo in addition to proposals pertaining to revenue reduction and opportunities to operate more efficiently.

Sponsorship of specific initiatives and support of other proposals listed in the 2016 Lake County Legislative Program will be greatly appreciated.

## Lake County, Illinois

### FY 2015 State and Federal Program

#### 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 (20 Ill. Adm. Code 701.250(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: Round Lake Sanitary District Dissolution**

**Issue:** The Sanitary District Act of 1917 limits dissolution of sanitary districts to those districts with fewer than 5,000 residents and only allows the transfer of assets of a district to municipalities, not counties. Currently, the functions and assets of the Round Lake Sanitary District are being performed and maintained by the Lake County Public Works Department. A change in the legislation would permit the dissolution of the Round Lake Sanitary District. This change would also allow for more cost efficient management of the District's assets. The change is consistent with the County's consolidation efforts and is supported by members and Board of Trustees of the Round Lake Sanitary District.

**Recommendation: Sponsor** a change in legislation by amending The Sanitary District Act of 1917 (70 ILCS 2405/27(a)) to allow for the dissolution of the Round Lake Sanitary District and transfer of assets to Lake County.

## STATE Initiatives to Sponsor

### **Topic: Military Vote-by-Mail**

**Issue:** Under the State of Illinois' current election code, members of the United States Service who wish to vote in any election and are absent from the county in which they reside must have their vote-by-mail ballot postmarked no later than midnight preceding Election Day. The time at which the service members' ballots must be received is inconsistent with all other vote-by-mail sections of the election code, where the postmark deadline is midnight on Election Day. This initiative seeks to extend the amount of time members of the military can submit their vote-by-mail ballots, in line with time provided for the civilian population.

**Recommendation: Sponsor** an amendment of the Illinois Compiled Statutes (10 ILCS 5/20-2 and 5/20-2.1) to make military vote-by-mail deadlines consistent with the civilian population (i.e., remove "postmarked no later than midnight preceding Election Day" and replace with "postmarked no later than midnight on election day").

## 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 in concurrence with the respective Chief Judge, a judicial facilities fee to be used 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. Presently, Lake County is not included in this legislation and is not permitted to impose said fee.

Lake County is currently constructing a new eight-story, 200,000 square-foot court tower and has \$50 million of judicial facilities capital projects over the next five years, with other potential future projects beyond the five years. An analysis of Lake County civil and criminal case filing data from 1995-2014 as well as an analysis of fee collection rates from 2010-2014 estimated approximately \$2.1 million in annual revenue using a \$15.00 fee, up to \$4.1 million in annual revenue using a \$30.00 fee. The ability to set a judicial facilities fee would help Lake County minimize the cost to taxpayers and offset capital costs of new judicial facilities, while maintaining a high level of service to users of the justice system.

**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 Support

### **Topic: Juror Fee Trailer Bill**

**Issue:** Under Public Act 98-1132 which became effective June 1, 2015, juror fees have been set to \$25.00 for the first day of duty and \$50.00 every day after that. This mandate amounts to approximately \$400,000 in additional costs to the County annually. In May 2015, Senate Floor Amendment No.3 was filed to House Bill 2641. The amendment modifies Public Act 98-1132 so that counties shall provide (currently, pay) to grand and petit jurors to \$20.00 for the first and second days (currently, \$25.00) and \$32.00 for each day thereafter (currently, \$50.00). It also provides that these fees may include an offset for travel, meal and other expenses otherwise incurred by jurors associated with jury service, except for day care, as determined by the county board. The result of this amendment would offset the increased costs created by Public Act 98-1132.

**Recommendation: Support** HB-2641 with Senate Floor Amendment No. 3 which modifies Public Act 98-1132 under the current Counties Code (55 ILCS 5/4-11001) so that the county shall “provide” (currently, “pay”) to grand and petit jurors \$20.00 for the first and second days (currently, \$25.00) and \$32.00 for each day thereafter (currently, \$50.00). The bill also states that these fees may include an offset for travel, meal and other expenses otherwise incurred by jurors associated with jury service, except for day care, as determined by the County Board.



## STATE Initiatives to Support

### **Topic: Addressing the Usage of Opiates**

**Issue:** There is an increasing concern about 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, 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.

**Recommendation: Support** 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.

## 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."

## FEDERAL Initiatives to Support

### **Topic: HOME Program Funding**

**Issue:** The HOME Investment Partnership Program (HOME) is an invaluable federal subsidy used to create and build affordable housing. Since 1992, Lake County has used HOME funds to produce over 2,400 units of affordable housing for both renters and homeowners. This assistance is possible thanks to Lake County's ability to leverage \$11.54 from non-HOME sources for every \$1.00 received from HOME, according to a Department of Housing and Urban Development report.

Unfortunately, HOME has been dramatically cut during the last decade. In FY2010, HOME was funded at \$1.8 billion, but by FY2015 the budget for HOME had fallen to \$900 million. For FY2016, the U.S. House of Representatives has proposed HOME funding be reduced further to \$767 million, whereas the U.S. Senate has proposed a reduction to \$66 million with the elimination of the National Housing Trust Fund. Were HOME funded at the amount proposed by the Senate, the HOME program would all but be eliminated, thereby eliminating this source of affordable housing assistance for low-income Lake County residents.

**Recommendation: Support** all legislation that at least prevents the defunding of HOME, or ideally restores HOME funding at the federal level.