

Lake County, Illinois

FY2018 State and Federal Legislative Agenda

Lake County government strives toward fiscally stable, efficient, and transparent operations amidst uncertain political and economic climates. A primary way that Lake County maximizes its operations is by maintaining strong partnerships with state and federal legislators. Through the County's policies and partnerships, Lake County residents continue to receive valuable, efficient, and cost-effective services.

In 2018, as in previous years, the Lake County Board appreciates the opportunity to meet with our state and federal legislators to discuss challenges we face as a County. To best address such challenges, it is essential for Lake County to govern free from the restrictions of various statutes and public acts which slow down the process to ensure a high quality of life for Lake County residents.

Lake County government is aware of the current financial environment at the state and federal government levels and has attempted to be responsive and responsible in preparing the FY2018 Legislative Agenda. As such, this year's Legislative Agenda balances large, aspirational goals that carry potential regional or statewide effects with direct, technical changes that make Lake County government – and in some cases all local governments – more efficient.

The guiding tenets of Lake County's legislative agenda are to:

1. Support legislation that grants additional permissive authorities for counties.
2. Support legislation that allows counties to expand non-property tax revenue sources.
3. Support legislation that promotes transparency at all levels of government.
4. Support legislation that encourages cost-effective government consolidation.
5. Support legislation that mitigates inefficiency.
6. Oppose unfunded mandates imposed by the state or federal government.
7. Oppose legislation that would reduce the existing authority of county government.
8. Oppose legislation that erodes the existing County revenue base.
9. Oppose legislation that provides entities with waiver exemption(s) from consolidation in the absence of objective, empirical evidence.

Specifically, with respect to legislative policy numbers six and eight, Lake County aggressively opposes any action that will divert, redirect, or reduce any funds owed and/or due to units of local government (e.g., sales tax, income tax, and Personal Property Replacement Tax).

Additionally, Lake County's legislative agenda is guided by the following values adopted within the County Board's 2017-18 Strategic Plan:

- i. Leadership
- ii. Fiscal Responsibility
- iii. Exceptional Service
- iv. Operational Excellence
- v. Environmental Stewardship

Sponsorship of specific initiatives and support of other proposals listed in the FY2018 Lake County Legislative Agenda is greatly appreciated.

The County welcomes the opportunity to discuss its Legislative Agenda. Questions may be directed to the County Board Chair, the County Administrator's Office (847-377-2250), or the County's legislative consultant, McGuireWoods Consulting (312-750-3586).

Lake County, Illinois

FY2018 State and Federal Agenda

Positions

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, and Lake County will support these proposals and their efforts.

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
3. By personal service from the Sheriff, or if unable to be personally served, by certified mail from the Sheriff.

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 for final take notices, Lake County could save more than \$23,000 annually while providing property owners with the necessary notice of taking.

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 only if the certified mailing from the Sheriff is unsuccessfully delivered, and only for vacant properties.

100th General Assembly Action(s) and/or Result(s): House Bill 3270 (Jesiel, Wheeler) and Senate Bill 1678 (Althoff) were introduced and in-line with this initiative. However, these bills were re-referred to Assignments and the Rules Committee, respectively, and were not enacted. Lake County looks forward to working with its legislators to ensure this legislative amendment is approved.

Guiding Tenet(s) of the Legislative Agenda

- Mitigate Inefficiency

Value(s) of the County Board Strategic Plan

- Fiscal Responsibility
- Operational Excellence

STATE Initiatives to Sponsor

Topic: Definition of Storm Sewers as Underground Utility Facility

Issue: State law requires counties to treat underground storm sewers within the right-of-way as “underground utility facilities” as defined in 220 ILCS 50/2.2 of the Underground Utility Facilities Damage Prevention Act. This classification requires most counties to incur considerable expenses to process and field-locate these facilities after receiving notice from the “State-Wide One-Call Notice System” administered by Joint Utility Locating Information for Excavators (JULIE). For example, Lake County received nearly 9,400 such notices in one 12-month period.

All authorized work within the right-of-way is either by a county-issued permit or by a county contractor. As such, counties can use existing practices – rather than JULIE – to locate these and other types of facilities. In fact, this is the process that the Illinois Department of Transportation uses to manage storm sewer locates. Therefore, counties in northeastern Illinois should be allowed to follow the same process. The costs required to process and screen these requests is significant and continues to increase each year (in 2015, Lake County spent \$170,000 on these locates, up from \$104,000 in 2013). These are resources that could be dedicated for highway improvements and roadway maintenance.

Recommendation: Sponsor an amendment to 220 ILCS 50/2.2(a) to specifically exclude underground storm sewers located within county right-of-way from classification as an “underground utility facility.”

100th General Assembly Action(s) and/or Result(s): House Bill 3634 (Phelps) and Senate Bill 1383 (Rezin) were proposals from JULIE to comprehensively rewrite the Underground Utility Facilities Damage Prevention Act, and still included storm sewers within the definition of “underground utility facilities.” Neither of these bills were passed. Lake County opposes these bills, and will work with its legislators to author an alternative bill that excludes storm sewers from the definition of “underground utility facility.”

Guiding Tenet(s) of the Legislative Agenda

- Mitigate Inefficiency
- Oppose Unfunded Mandates

Value(s) of the County Board Strategic Plan

- Fiscal Responsibility
- Operational Excellence

STATE Initiatives to Sponsor

Topic: Cemetery Association Appointment Authority

Issue: State statute requires the presiding officer of the county board to appoint suitable persons to fill vacant positions on a cemetery association's board of trustees. This responsibility is best-suited for the presiding officer of a township, as said officer should be more familiar with the location of the cemetery, operations of the association, and the credentials of the appointee.

Recommendation: Sponsor an amendment to the Cemetery Association Act (805 ILCS 320/4) to transfer the appointing authority for cemetery associations from the presiding officer of the county board to the presiding officer of the township in which the association resides.

Guiding Tenet(s) of the Legislative Agenda

- Encourage Consolidation

Value(s) of the County Board Strategic Plan

- Operational Excellence

STATE Initiatives to Sponsor

Topic: Seavey Drainage District *DRAFT PLACEHOLDER*

Issue: The Seavey Drainage District (District), created through the Illinois Drainage Code (70 ILCS 605), includes portions of the Villages of Libertyville, Mundelein and Vernon Hills. The District, intended to maintain and operate the Seavey Drainage Ditch, has not and does not levy taxes or expend funds to operate or maintain the Ditch. Instead, all functions of the District have been previously assumed by these respective communities. To reflect the current funding mechanisms, reduce the layers of governmental units, and maximize efficiencies, the District should be dissolved by statute.

Recommendation: Sponsor special legislation to eliminate the Seavey Drainage District.

Guiding Tenet(s) of the Legislative Agenda

- Promote Transparency
- Encourage Consolidation
- Mitigate Inefficiency

Value(s) of the County Board Strategic Plan

- Fiscal Responsibility
- Operational Excellence
- Environmental Stewardship

STATE Initiatives to Sponsor

Topic: Lakes Region Sanitary District Consolidation *DRAFT PLACEHOLDER*

Issue: The Lakes Region Sanitary District (District), established in 1972 as a government agency under the Illinois Sanitary District Act of 1936, entered into an intergovernmental agreement with Lake County Public Works in 1977 to transmit sewage from the District to a regional treatment facility. Today, the District encompasses approximately 11,000 acres (17 square miles) in unincorporated Lake County and portions of neighboring Villages. The District, which is governed by a three-member Board of Trustees, (a) owns and maintains more than 82 miles of sewers, 2,060 manholes and 20 lift stations, (b) has grown from 1,200 customers in 1981 to over 6,240 customers in 2016, and (c) has a budget of \$3.93 million (fiscal year 2016) and seven full-time employees. Additionally, customers within the District currently pay four taxes and fees to three different government entities for sanitary services.

Lake County will conduct a financial feasibility study to determine the impacts of a consolidation of the District into the Lake County Public Works Department. If the study finds that a consolidation would reduce the layers of governmental units, maximize efficiencies, and promote stewardship of taxpayer resources, Lake County will seek legislation to consolidate the District.

Recommendation: Should the financial feasibility study determines consolidation would be more efficient and of better service to taxpayers, Lake County would **sponsor** legislation to consolidate the Lakes Region Sanitary District into the Lake County Public Works Department.

Guiding Tenet(s) of the Legislative Agenda

- Promote Transparency
- Encourage Consolidation
- Mitigate Inefficiency

Value(s) of the County Board Strategic Plan

- Fiscal Responsibility
- Operational Excellence
- Environmental Stewardship

STATE Initiatives to Sponsor

Topic: Board of Review Appointment Process

Issue: The Property Tax Code (35 ILCS 200/6-15) mandates a partisan makeup of appointed Boards of Review. Specifically, two of the three members are required to be “affiliated with the political party polling the highest vote for any county office in the county at the last general election prior to any appointment made,” while the third member is not to be affiliated with that same political party. In counties (such as Lake) that have regular changes in partisan polling, this requires forced changes to Board of Review appointments in quick succession. As such, current state statute inserts politics into property taxes, and reduces the likelihood of continuity and experience in a skilled area.

Recommendation: Sponsor an amendment to 35 ILCS 200/6-15 that removes the partisan requirement for the composition of appointed Boards of Review. Rather, legislation should reflect a county board’s appointments be based on the qualifications and merits of the appointees and their experience in property appraisal and property tax administration.

Guiding Tenet(s) of the Legislative Agenda

- Mitigate Inefficiency

Value(s) of the County Board Strategic Plan

- Leadership
- Exceptional Service
- Operational Excellence

STATE Initiatives to Support

Topic: Prescription Monitoring Program

Issue: The Illinois Prescription Monitoring Program (PMP) is an electronic tool which collects information on controlled substance prescriptions on a daily basis by retail pharmacies. Prescribers and dispensers of controlled substances may access the information to query current or prospective patients to enhance their ability to review a patient's history for therapeutic and clinical reasons and assist in the effective treatment of patients. Authorized by the Illinois Controlled Substance Act (720 ILCS 570/ 316), PMP strictly adheres to HIPAA and all access, confidentiality, and disclosure provisions of Illinois law. Physicians, who receive the ability to access the PMP upon receiving or renewing their license, are not currently required to check the database before prescribing controlled substances.

Recommendation: Support Senate Bill 1607, which would amend the Illinois Controlled Substance Act by requiring doctors to check the PMP before prescribing a controlled substance, thereby enhancing patient care and minimizing complications resulting from the overuse of prescription drugs. Under the 100th General Assembly, Senate Bill 1607 (Bush, Morrison, et al.) was introduced that would require prescribers to access the PMP under certain conditions, as well as require the PMP to interface with all Electronic Health Records. The bill passed the Senate, but was re-referred to the House Rules Committee after Second Reading – Short Debate. Lake County supports this bill, as it helps to further mitigate the opiate crisis.

Guiding Tenet(s) of the Legislative Agenda

- Mitigate Inefficiency

Value(s) of the County Board Strategic Plan

- Leadership
- Environmental Stewardship

STATE Initiatives to Sponsor/Support

Topic: Driver's License Reinstatement

Issue: Nationwide, 40 percent of individuals who lose their driver's license do so for specific reasons unrelated to improper driving. Using driver's license suspension to enforce criminal justice debt collection unduly harms indigent individuals. Additionally, being unable to drive impedes the ability of individuals to earn a living and pay their court fees. Over time, several court fees that are mandatory – regardless of the individual's ability to pay – have been increased legislatively. The judiciary are in the best position to assess a person's ability to pay at the time a judgement is entered, and can do so using discretionary fees.

Recommendation: Sponsor or Support legislation that amends the following statutory provisions to authorize the judiciary the discretion to waive or reduce mandatory fees:

- The Clerk of Courts Act (705 ILCS 105/27.2(w)(1) and 705 ILCS 105/27.2(w)(2)) amended to be consistent with 705 ILCS 105/27.2(w)(3), where ordinance violations include the provision: "unless the fee is excused upon a finding by the court that the defendant is indigent."
- The State's Attorney's fees (55 ILCS 5/4-2002) permitted to be waived by the judiciary upon a finding that the defendant is indigent.
- The Violent Crime Victims Assistance Fund (725 ILCS 240/10(b)(2)) for Illinois Vehicle Code offenses amended to permit the waiver of the fee by the judiciary upon a finding that the defendant is indigent.

Guiding Tenet(s) of the Legislative Agenda

- Permissive Authority

Value(s) of the County Board Strategic Plan

- Leadership
- Operational Excellence

STATE Initiatives to Sponsor/Support

Topic: Disaster Declaration Period *DRAFT PLACEHOLDER*

Issue: The Illinois Emergency Management Agency Act (20 ILCS 3305/11(a)) currently provides that the principal executive officer of a political subdivision may declare a disaster for a period of seven days, which may be continued or renewed only by or with consent of the political subdivision's governing board. For Lake County, this means the County Board Chair may declare a disaster for seven days which may be continued or renewed by the County Board. The declaration activates the County's emergency operations plan and authorizes the provision of aid and assistance under the plan.

In disasters that extend beyond seven days, it is challenging to convene a quorum of the governing board and can shift staff attention and resources away from the disaster. Amending the statute to provide a longer period for which a principal executive officer of the political subdivision may declare a disaster would assist in keeping resources focused in those disasters that extend beyond the current statutory period.

Recommendation: Sponsor or Support an amendment to the Illinois Emergency Agency Act (20 ILCS 3305/11(a)) to extend the period for which the principal Executive Officer of a political subdivision may declare a disaster for a period of 21 days, after which the continuation or renewal may only be by or with the consent of the governing body.

Guiding Tenet(s) of the Legislative Agenda

- Mitigate Inefficiency
- Permissive Authority

Value(s) of the County Board Strategic Plan

- Leadership
- Exceptional Service
- Operational Excellence
- Environmental Stewardship

STATE Initiatives to Sponsor/Support

Topic: Mental & Behavioral Health Coordination of Care *DRAFT PLACEHOLDER*

Issue: The Illinois Mental Health and Development Disability Confidentiality Act (740 ILCS 110) provides for the standard by which mental health data is protected and disclosed. While the current statute does not specifically prohibit the electronic sharing of such data among health care providers and professionals, the electronic sharing of information to coordinate effective care is limited and isolated. As a result, patient care can be compromised by lack of information shared among providers.

Recommendation: Sponsor or Support legislation that amends the Mental Health and Development Disability Confidentiality Act (740 ILCS 110) to: (1) affirmatively include electronic signature and electronic documents in the definition of “written” and “in writing”; and (2) enable data-sharing models such as “strategic partnerships” or a central repository.

Guiding Tenet(s) of the Legislative Agenda

- Promote Transparency
- Mitigate Inefficiency

Value(s) of the County Board Strategic Plan

- Leadership
- Exceptional Service
- Operational Excellence

STATE Initiatives to Sponsor/Support

Topic: Prescription Drug Disposal Program – Extended Producer Responsibility (EPR)

Issue: Lake County is known statewide as a leader in the collection and disposal of prescription drugs. The taxpayer-funded Pharmaceutical Collections program, administered by Solid Waste Agency of Lake County (SWALCO) and Illinois Environmental Protection Agency (IEPA), collects approximately 13,000–14,000 pounds of prescription drugs in its 33-collection box network for a County where an estimated 11.8 million prescriptions are written annually.

To build upon Lake County’s statewide leadership in the collection and disposal of prescription drugs and to minimize reliance on taxpayer funds for the program, legislation enabling the state (or counties) to implement Extended Producer Responsibility (EPR) laws is needed. Enacted by a number of local, regional, and state governments across the United States, EPR laws require pharmaceutical companies to design, fund, and operate a program to safely dispose of unwanted drugs. The intent of a pharmaceutical-funded prescription drug disposal program through EPR would leverage existing collection and disposal programs in-place at pharmaceutical manufacturing, enable the collection of larger quantities of unwanted drugs, reduce the risks of drugs to public safety, health, and environment, and minimize taxpayer subsidization of such programs.

Recommendation: Sponsor or Support legislation which creates an EPR law that enables the state or county government to establish and maintain a pharmaceutical funded prescription drug disposal program.

Guiding Tenet(s) of the Legislative Agenda

- Permissive Authority

Value(s) of the County Board Strategic Plan

- Leadership
- Fiscal Responsibility
- Environmental Stewardship

FEDERAL Initiatives to Support

Topic: Substance Abuse Coordination of Care

Issue: Current federal statutory provisions (42 CFR Part 2) require an individual to separately consent to allow the use and disclosure of patient information relative to substance abuse for treatment, payment, and healthcare operation purposes. As a result, these statutory provisions are inconsistent with the Health Insurance Portability and Accountability Act (HIPAA) and inhibit high-quality treatment and care coordination that comprehensively addresses a person's healthcare needs. The alignment of 42 CFR Part 2 requirements with HIPAA will maintain the confidentiality of such information among professionals, and prohibit and penalize the unauthorized release and/or use of confidential medical information.

The Overdose Prevention and Patient Safety Act (H.R. 3545) would modify the legislation underlying 42 CFR Part 2 (42 U.S.C. § 290dd-2) to:

- Incorporate the HIPAA treatment, payment, and healthcare operations exceptions into Part 2 so those uses and disclosures would no longer require patient consent, resulting in enhanced whole-person care;
- Reduce barriers and allow access to vital information for medical professionals to properly coordinate the care of patients with substance use disorders; and
- Heighten privacy protections through measures such as (a) strengthening the existing prohibitions on the use or disclosure of such information in criminal proceedings, and (b) prohibiting any substance use disorder record disclosed or redisclosed as a result of treatment, payment, or healthcare operations from being used to initiate or substantiate any criminal charges.

Recommendation: Support the Overdose Prevention and Patient Safety Act (H.R. 3545).

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- Promote Transparency
- Mitigate Inefficiency

Value(s) of the County Board Strategic Plan

- Leadership
- Exceptional Service
- Operational Excellence