



# COUNTY

QUARTERLY NEWSLETTER

JULY 2021

## 2021 Spring State LEGISLATIVE SESSION SUMMARY

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2021 SPRING STATE  
LEGISLATIVE  
SESSION SUMMARY

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LEADING IN  
TIMES OF  
GREAT CHANGE



Counties Count!

# A Message from the President



By: Deborah Sims, Cook County Commissioner

The Illinois State Association of Counties (ISACo) takes our role in representing counties before the General Assembly seriously. Legislative advocacy is a core function of the Association and we strive to obtain favorable legislative outcomes for counties.

The 2021 spring legislative session more closely resembled a typical legislative session following a 2020 session abbreviated by the COVID-19 pandemic.

ISACo staff and our contract lobbyists worked hard throughout the spring to provide top-shelf legislative representation on behalf of Illinois' counties. This *County Quarterly* Newsletter includes an article summarizing key legislation of interest to counties approved by the General Assembly this spring.

If you have any questions that arise after reviewing ISACo's end-of-session summary report, please contact Executive Director Joe McCoy at [jmccoy@isacoil.org](mailto:jmccoy@isacoil.org).

I'm excited to announce that the National Association of Counties (NACo) will be holding a hybrid 2021 Annual Conference this summer. County officials and staff have the option to attend the valuable education and networking opportunities in person if they wish to do so, but can otherwise participate virtually. The Annual Conference will be held from July 9-12 in Prince George's County, MD. Prince George's County is adjacent to Washington, D.C. I plan on attending in person and encourage you to consider doing so as well.

Information about conference registration can be found on NACo's website at

[www.naco.org](http://www.naco.org). I hope to see you at the Annual Conference!

I'm pleased to report that ISACo continues to grow! Our newest members include Williamson, Jackson and Montgomery Counties.

This edition of the *County Quarterly* includes a timely article by Tim Rahschulte that highlights the connection between a leader's positive mindset and the successful navigation of difficult challenges and change. Tim is the CEO of the Professional Development Academy and chief architect of the NACo High Performance Leadership Program.

I hope you enjoy this *County Quarterly* and ISACo looks forward to being an invaluable resource for your county.

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2021 Spring

# State Legislative Session Summary

By: Joe McCoy, Executive Director

The Illinois House adjourned to the call of the chair in the early morning hours of June 1, 2021, while the Senate remained in session on June 1 to continue working on issues in that chamber before adjourning later that evening.

Both chambers may return to Springfield prior to the fall Veto Session to take up energy legislation.

During the 2021 spring legislative session, 7,003 bills were filed by state legislators and 653 were ultimately approved by both chambers for a passage rate of just over 9 percent. This excludes resolutions and proposed constitutional amendments.

This report provides a general overview of the more consequential and relevant legislation approved during the first year of the 102nd General Assembly. Please review the full text of the legislation included herein for additional details about each issue. The status of each bill in this summary report is as of the printing of this edition of the *County Quarterly*. Updated information about the status of these and other bills of interest to counties will be available on ISACO's website at [www.isacoil.org](http://www.isacoil.org).

## SFY 2022 STATE BUDGET

The House and Senate approved the State Fiscal Year (SFY) 2022 budget prior to adjournment. The bills are as follows:

SB 2800 (President Harmon, D-Oak Park/Speaker Welch, D-Westchester) is the appropriation bill. (P.A. 102-0017)

SB 2017 (Representative Harris, D-Chicago/President Harmon, D-Oak Park) is the Budget Implementation (BIMP) bill. (P.A. 102-0016)

The SFY 2022 state budget appropriates \$42.2 billion in spending and anticipates revenue collections of \$42.3

billion. The budget legislation was enacted into law by the Governor.

## STATE SHARED REVENUES

The SFY 2022 state budget includes several funding sources collected by the state and shared with local governments. The following funding sources are relevant to counties:

### Local Government Distributive Fund – *ISACO Priority Issue!!!*

The county share of Local Government Distributive Fund (LGDF) revenue as a percentage of state income tax collections remains the same as it was in SFY 2021. In other words, this local revenue share was not cut despite the call for a reduction in the Governor's proposed budget.

Preventing a cut in LGDF revenue was a top priority for ISACO during the spring session. We are appreciative for our local government strategic partners, those county officials and staff who contacted their legislators on the issue and, of course, the General Assembly for leaving this important local revenue source intact.

The SFY 2022 state budget includes the closure of some tax loopholes intended to increase revenue to the state. This would actually result in an increase in LGDF distributions to counties.

ISACO will continue to advocate for a restoration of a full 10 percent share of LGDF revenue to counties.

### Personal Property Replacement Tax

The budget includes \$349.5 million in total diversions from Personal Property Replacement Tax (PPRT) revenues that would otherwise be distributed to local governments. PPRT diversions have occurred annually for several years. The SFY 2021 state budget diverted \$311.9 million from PPRT.

### Local Government Pass-Through Funds

Local government “pass-through” funds [Motor Fuel Tax (MFT), Use Tax, Video/Casino Gaming, Statewide Emergency 9-1-1 funds, etc.] are fully funded within the SFY 2022 budget.

### Sales Tax Administrative Fee

The existing 1.5% sales tax administrative fee assessed on local governments by the Illinois Department of Revenue (IDOR) was not altered within the SFY 2022 state budget. ISACo supported legislation introduced in 2021 proposing to reduce this fee to 1%.

## HIGHLIGHTED LEGISLATION OF INTEREST

The following noteworthy bills were approved by both chambers and will next be considered by the Governor. A full summary of all legislation of interest to counties approved by both chambers is available in our *Bills Approved by Both Chambers* report at [www.isacoil.org](http://www.isacoil.org).

### County Board Reapportionment Addressed

– *ISACo Priority Issue!!!* (P.A. 102-0015)

ISACo aggressively advocated for a solution to the problem confronting county board reapportionment in light of the delay in receiving federal census data. Two options to resolve the issue were presented by ISACo to state legislators. We also engaged county officials to ask them to call upon the General Assembly to change state law so that county board districts could be reapportioned using updated federal census data.

We are pleased to report that the much needed “fix” to assist counties seeking to reapportion their county board districts using delayed federal census data was included in an omnibus election amendment filed at the very end of May. Included within SB 825 (President Harmon, D-Oak Park/ Representative West, D-Chicago) is a provision providing county boards outside of Cook County until December 31, 2021, to reapportion county board districts.

In counties with a county-wide elected chair or executive, the chair or executive may present the reapportionment plan by the third Wednesday in November 2021. The language in the bill appeared ambiguous about whether this provision only affected county-wide elected chairs and ISACo requested clarification during Senate debate that ultimately confirmed this was indeed the intent.

The legislation moves the general primary election to June 28, 2022. This includes changing the beginning of the

petition gathering period to January 13, 2022. The petition filing period would be March 7-14, 2022.

Of note, the legislation also allows population to be determined “by any reasonable method” including the use of American Community Survey (ACS) data.

ISACo is pleased that our persistent advocacy on this issue was successful and we appreciate the many county officials who discussed the issue with their legislators.

The bill also includes the following provisions of relevance to counties:

- ✔ Permits all county sheriffs to establish ballot booths within their jails.
- ✔ Creates a pilot program requiring all election authorities to establish at least one location in 2022 where anyone in that county or municipality can vote on election day.
- ✔ Curbside voting becomes permanent.
- ✔ Vote by mail option becomes permanent.

The bill was enacted into law by the Governor. ISACo is appreciative that the General Assembly worked with us on the county board redistricting language. An ISACo *Policy Brief* about this new law is available on our website.

### General Assembly Redistricting (P.A. 102-0010)

HB 2777 (Representative Hernadez, D-Cicero/President Harmon, D-Oak Park) creates the General Assembly Redistricting Act of 2021. The bill redistricts the legislative districts (for election of Senators) and the Representative Districts (for election of Representatives). The bill was enacted into law by the Governor.





#### [Supreme Court Redistricting](#) (P.A. 102-0011)

SB 642 (President Harmon, D-Oak Park/Representative Tarver, II, D-Chicago) establishes new Illinois State Supreme Court districts. The bill was enacted into law by the Governor.

#### [Judicial Circuit Reorganization](#)

SB 2406 (Senator Belt, D-East St. Louis/Representative Hoffman, D-Swansea) amends the Circuit Courts Act. The bill reorganizes the counties (other than Cook County) into 24 (currently 23) judicial circuits. The bill provides that the General Assembly shall divide the 19th circuit into at least 10 subcircuits. Any judgeship that became vacant after January 1, 2020, and on the effective date of the amendatory Act is held by an individual appointed by the Supreme Court shall also be filled by election at the 2022 general election. Nothing in the provisions shall affect the tenure of any circuit judge serving on the effective date of the amendatory Act. No circuit judge serving on the effective date of the amendatory Act shall be required to change residency in order to continue serving in office or to seek retention or reappointment. Any circuit judge elected to that office prior to the effective date of the amendatory Act who files to run for retention after the effective date of the amendatory Act shall have the right to seek retention in the circuit the judge was elected from or to seek retention in the circuit created by the amendatory Act. The bill was approved by both chambers and will next be considered by the Governor.

#### [GATA Exemption](#)

SB 1697 (Senator Bennett, D-Champaign/Representative Hoffman, D-Swansea) exempts local government pass-through funding from elements of the Grant Accountability and Transparency Act (GATA). In particular, revenue from LGDF, PPRT and MFT would not be exempt from GATA

reporting requirements. This is an issue supported by ISACO. The bill was approved by both chambers and will next be considered by the Governor.

#### [Small Wireless Facilities Deployment Act Extended](#) (P.A. 102-0009)

HB 3743 (Representative Walsh, D-Elwood/Senator Hastings, D-Frankfort) amends the Small Wireless Facilities Deployment Act. The bill provides that the Act is repealed on December 31, 2024 (currently, June 1, 2021). The bill further provides that: (i) a wireless provider may be required to provide in an application a certification from a radio engineer that it operates the small wireless facility within all applicable FCC standards; (ii) an authority may require small wireless facilities to be collocated on an existing utility pole or existing wireless support structure within 200 feet (currently, 100 feet) of the proposed new-pole collocation; (iii) an authority may require that the wireless provider comply with generally applicable acoustic regulations; and (iv) when a wireless provider replaces or adds a new radio transceiver or antennas to an existing small wireless facility, certification may be required by the wireless provider from a radio engineer that the continuing operation of the small wireless facility complies with all applicable FCC standards.

The bill includes extensions to other Acts including the Emergency Telephone System Act to December 31, 2023, and the Telecommunications Article and the Cable and Video Competition Act to December 31, 2026.

Also included in the bill are provisions affecting 9-1-1 call systems that include mandated upgrades, allowable surcharges and sources of funding and new training standards.



The bill amends the Prevailing Wage Act to include within the definition of “public works” construction projects performed by third parties in public rights-of-way and construction projects that exceed 15 aggregate miles of new fiber optic cable. The bill was enacted into law by the Governor.

#### Recreational Cannabis Social Equity Applicants

HB 1443 (Representative Ford, D-Chicago/Senator Lightford, D-Maywood) intends to address the lack of diversity within Illinois’ emerging recreational cannabis industry. The legislation would establish two additional lotteries of 110 total adult-use license dispensaries (55 licenses issued per round). The licenses available through these lotteries would go to social equity applicants. These 110 licenses will be issued on top of 75 licenses that have been delayed as a result of litigation over the state’s application scoring system. The bill was approved by both chambers and Governor Pritzker has indicated he will sign it into law.

#### Bipartisan Ethics Legislation

The House and Senate approved an ethics bill on a bipartisan basis. Some of the provisions within SB 539 (Senator Gillespie, D-Arlington Heights/Representative Burke, D-Evergreen Park) of interest to local governments are as follows:

- ✔ Prohibits legislators and local officials from engaging in compensated lobbying of the governing body of a local government on behalf of any lobbyist or lobbying entity registered to lobby the General Assembly or executive branch of state government.
- ✔ Expands economic interest statements to include spouses and other parties.
- ✔ Includes additional reporting requirements for filers of economic interest statements and their spouses.
- ✔ Requires persons who undertake to lobby officials of counties, municipalities and townships to register with the Secretary of State and submit expenditure disclosures in the same manner as lobbyists at the State level.

The bill was approved by both chambers and will next be considered by the Governor.

#### Lead Service Line Replacement Mandate

HB 3739 (Representative Robinson, Jr., D-Chicago/Senator Bush, D-Grayslake) requires the Illinois Environmental Protection Agency (IEPA) to establish procedures for a lead in drinking water protection fee to be collected by all community water suppliers. The bill would require the owner or operator of each community water

supply to perform specified activities. It would also create the Lead Service Line Replacement Advisory Board within the Agency to perform specified duties as well as establish the Lead Service Line Replacement Fund to be used to finance and administer programs and activities specified under the amendatory provisions. Within one year after the effective date, IEPA must design rules for a program for the purpose of administering lead service line replacement funds. The bill was approved by both chambers and will next be considered by the Governor.

#### County Boards Obtaining Outside Legal Counsel

SB 2520 (Senator Rose, R-Champaign/Representative Caulkins, R-Decatur) permits a court or an interested person to file a petition asserting the state's attorney has a conflict of interest involving a cause, proceeding or other matter (civil or criminal). If the court finds a conflict of interest exists, it may appoint a competent attorney to prosecute or defend the cause, proceeding or other matter. The bill was approved by both chambers and will next be considered by the Governor. ISACo supports the bill.

#### Opioid Settlement Litigation

SB 215 (Senator Crowe, D-Glen Carbon/Representative Hoffman, D-Swansea) prohibits units of local government or school districts from filing or becoming a party to opioid litigation against an opioid defendant subject to a national multistate opioid settlement unless approved by the Attorney General. Under the bill, if counties representing 60% of the population of the State, including all counties with a population of at least 250,000, have agreed to an intrastate allocation agreement with the Attorney General, then the Attorney General has the authority to appear or intervene in any opioid litigation, and release with prejudice any claims brought by a unit of local government or school district against an opioid defendant that are subject to a national multistate opioid settlement and are pending on a specified date. The bill was approved by both chambers and will next be considered by the Governor.

#### Reduce County Responsibility to Rename Townships

– *ISACo Initiative!!!*

SB 501 (Senator DeWitte, R-St. Charles/Representative Wheeler, R-North Aurora) amends the statute to require that a county change a duplicate township name only if the duplicate name exists for townships within that county. The existence of a duplicate name for townships not located within the same county has not created any known problems. **This legislation is an ISACo initiative** to remove county responsibility to rename townships bearing identical

names. There are 74 instances of duplicate township names throughout the state. The bill was approved by both chambers and will next be considered by the Governor.

#### Background Checks for Public Meeting Attendees

HB 1765 (Representative Buckner, D-Chicago/Senator Peters, D-Chicago) creates the Empowering Public Participation Act. The bill would provide that a law enforcement agency or an officer employed by a law enforcement agency may not knowingly and intentionally conduct a background check of a person for the sole reason of that person speaking at an open meeting of a public body, including police disciplinary boards. Provides exemptions whenever an agency or officer develops a reasonable suspicion of criminal conduct or a reasonable suspicion of a threat to security for the premises in which the meeting is to occur or for the protection of public officials and other persons attending the meeting. The bill was approved by both chambers and will next be considered by the Governor.

#### Property Tax Legislation

SB 508 (Senator Hastings, D-Frankfort/Representative Zalewski, D-Riverside) makes several changes to property tax law including amending the Property Tax Extension Limitation Law (PTELL) to allow taxing districts to recapture the financial impact of property tax refunds caused by post-extension assessment appeals. The bill also includes several provisions concerning tax sales. The bill was approved by both chambers and will next be considered by the Governor.

#### Criminal Justice Trailer Bill (P.A. 102-0028)

HB 3443 (Representative Slaughter, D-Chicago/Senator Sims, D-Chicago) intends to address concerns voiced by law enforcement with the sweeping criminal justice reform bill enacted earlier this year (HB 3653). HB 3443 makes changes to the law with respect to body cameras, use of force, chokeholds and tasers, training requirements and obstructing and resisting officers.

The Illinois Association of Chiefs of Police (ILACP) indicated the bill addresses most of their concerns with the underlying law. The bill was enacted into law by the Governor.



## Leading In Times Of

# Great Change

By: Tim Rahschulte

There are several questions for you to consider throughout this article; two of which are important enough to raise three times: What will you do with the world as you find it? And what shows up when you do?

These are two powerful questions to consider, especially in times of great change. Think about those questions relative to the work in front of you.

As you consider those questions, let's recognize the fact that it is summer 2021. We have faced the challenges of a global pandemic for a year. The fight is not over, but signs of improvement are evident. Thinking about the past and forecasting what's next can be overwhelming. Simply saying our experiences of late have been unprecedented is an understatement.

While the past year has been like no other on record, it spotlighted the value of leadership and the very big difference between average leadership and great leadership. As you prepare to reach the next level of normalcy, how have you done as a leader? How have the leaders in your county and on your team done? Has the experience brought you closer together? Are you now better prepared for the next challenge to come your way? As a leader, that is what you are trying to achieve – overcome challenges on your way to reaching a goal while developing individuals, your team, and the culture of everyone involved so that even more can be endured and achieved.

It is your leadership approach that can make average, good; good, great; and engender a sense of meaning and purpose in our work. Are you

accomplishing such results? Is there room for improvement? No doubt, "Yes!" to both questions.

People want truly exceptional leaders, especially in times of great change. You can be that leader. It starts with your mindset. The power of mindset is more than viewing the glass half-full rather than half-empty. It is more than painting a rosy outlook on the reality of our challenges. Mindset is an attitude. It is the initiating force anyone leverages to build something new, reengineer something to be better, or to bring about a change in things. Our mindset initiates a sense of possibility from which our actions follow. Therefore, our mindset serves as the foundation of our results. Successful leaders have an unwaveringly positive mindset when it comes to what can be accomplished. In his book "It Worked

For Me In Life And Leadership,” General Colin Powell explains it this way: Perpetual optimism is a force multiplier.

This brings up an important effect of mindset: it has a multiplying effect on those around us. Whether negative or positive, your mindset multiplies as it influences others. To be sure, the opposite of a positive mindset has the same affect. Think about it – what shows up when you do? Are you showing up in a collaborative way to solve a problem? Are you focused on all that is wrong? Or, are you stuck analyzing the complexity of the situation? We all have been at varying points on the continuum of being fully stuck and in the middle of trying to get unstuck and on the side of advancing a solution while helping others get unstuck. It’s hard, but it’s also a choice. What will you do with the world as you find it? Good questions to consider amid complexity and change.

Again, think over the past year and the year in front of you. Have you displayed perpetual optimism?

As county leaders, you are on the frontline of what’s possible. Make the choice to be positive. Have an it can be done attitude, which is another piece of leadership advice from General Powell. Your mindset is the root cause of your results; it is the foundation of your success.

What do you and your team have planned for the rest of this year, the next year, and beyond? What is your mindset when you think about the goals you aim to accomplish and the challenges you will face? What will you do with the world as you find it? What shows up when you do?

Whatever the goals and whatever the challenges, know this: It can be done! You can make it so.



Tim Rahschulte is the CEO of the Professional Development Academy and chief architect of the NACo High Performance Leadership Program ([www.naco.org/skills](http://www.naco.org/skills)).

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- Legislation Affecting Counties
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- ISACo Reports
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## Become an ISACo Corporate Partner!

ISACo's Corporate Partner Program was established to provide a forum for companies and organizations to build relationships with county officials while supporting the important work of ISACo.

The program offers five options for corporations and organizations to become associate members of ISACo while receiving benefits for this status.

Contact us for additional information about how your company or organization can become a part of ISACo.



Illinois State Association of Counties  
427 E. Monroe  
Suite 200  
Springfield, IL 62701



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JULY 2021

*Counties Count!*



## County Quarterly Newsletter

### CONTACT US

Email: [jmccoy@isacoil.org](mailto:jmccoy@isacoil.org)

Address: 427 E. Monroe  
Suite 200  
Springfield, IL 62701

Phone: (217) 679-3368