



Legislative Report

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TWO YEARS AGO SB 3 (now Public Act 100-0107) was profiled in this magazine. At the time it was discussed, it was concluded although the bill had flaws, it was a workable bill and a good faith effort to provide a comprehensive approach to consolidation usable for the whole State of Illinois.

The bill took effect January 1, 2018.

Since then, there have been a host of legislative proposals introduced to provide consolidation and dissolution processes for townships and other units of local governments. A startling fact about the bills introduced, since SB 3 became law, is that instead of looking to improve upon or augment SB 3, the new legislation focuses on creating entirely new processes. Processes that would, at the very least, confuse the consolidation efforts and potentially undermine the initial goals SB 3 set out to fix in the first place; namely, creating a smooth process to consolidate local governments when and where it made sense and was financially feasible.

HB 348 and HB 360 (substantially the same bill but one applies to McHenry County while the other DuPage County) are prime examples of poorly drafted legislation that continues to be filed. Unlike SB 3, which creates a fair, measured procedure for a local government absorbing another, HB 348 would **force** McHenry County (or DuPage under HB 360) to absorb a township if a referendum was passed in the township. There is nothing in the bill that allows the County Board or its constituents who live outside of the dissolving township to weigh in. Further, the bill does not consider whether or not the absorbing County wants to, or can, take on all of the debt, duties and obligations of the dissolved township. There is also nothing in the bill that provides protection for taxpayers in the rest of the County from seeing the financial burden shifted to them if the County does not have the resources to finance the duties of the dissolved township. Currently there is a built in 10% reduction on the levy for constituents of the dissolved township, as such, if the County could not provide services 10% cheaper than the former township, the County would have to divert resources or services from other taxpayers. This essentially allows a small number

of voters to unilaterally increase the tax burdens on the entire county.

Furthermore, neither HB 348 nor HB 360 contain language that would allow the County to receive Motor Fuel Tax (MFT) dollars that were previously received by a dissolved township. Without transfer authority, which the bill currently lacks, residents of the dissolved township would miss out on MFT monies owed to them. Roadwork would either be forced to come to a halt or the County would be forced to pay for it. Again, forcing additional financial burdens on the County and taxpayers that had no voice or vote in the dissolution.

Both bills are also silent on township cemeteries and Township General Assistance programs—examples of some of the many other services townships provide but would not automatically transfer to the County should a dissolution occur. According to the language in the bill, all of these actions could happen in a single calendar year and leave the County, and its taxpayers, little if any time to budget, strategize, and prepare to absorb an unknown number of dissolved townships and all of their debt, duties and obligations.

Feeling relief that the only two counties faced with this are McHenry and DuPage? Don't.

Last year HB 4637 only included McHenry. This year a bill for DuPage was added. Many legislators are watching what happens with HB 348 and HB 360 and if successful are planning on introducing the measure for counties in their districts. One legislator is already contemplating extending the bill to Cook County, and several have publicly declared they would like to take the measure statewide, current flaws and all.

Two years ago SB 3 was going to serve as the responsible and fair method for units of local governments to be consolidated. A process that ensured all parties were heard, a methodology and predictability for voters on how services were going to be delivered. Although not perfect, it was a good start. The legislation now before the General Assembly only adds unpredictability to the consolidation process and robs many voters of a voice and a process they could understand. If bills like HB 348 and HB 360 pass, functional consolidations will not be a reality for many years to come.

