

COUNTY OF MACOUPIN
OFFICE OF CORONER
WESLEY C. LANDERS, CORONER
618-585-3742

June 15, 2009

Andrew Manar, Chairman
Macoupin County Board
and
Michele Zippay
Macoupin County Clerk

This is to officially submit my resignation from the elected position as Macoupin County Coroner effective June 30, 2009. I appreciate the support that the County Board and voters of Macoupin County have given me over the past twenty eight years.

Sincerely,

MACOUPIN COUNTY CORONER



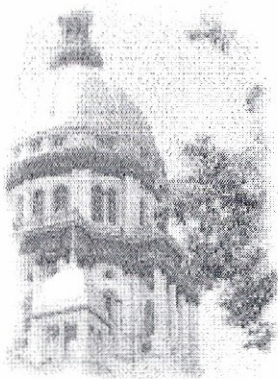
Wesley C. Landers

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JUN 15 2009



MACOUPIN COUNTY CLERK



Counties *at the* Capitol

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June 12, 2009



Speaker extends deadline for several major bills

On May 31, Speaker Madigan extended the Third Reading Deadline for the following bills. These are all "high-profile" bills that have been debated or discussed. This may only be the start. Legislators can ask for a deadline extension from leaders on a case-by-case basis.

SB 43 (Clayborne) Fritchey PREVAILING WAGE ACT

This bill would require private businesses to pay a prevailing wage for projects in tax increment financing districts and enterprise zones. However, it may go deeper than businesses, noting the bill's language could technically require homeowners who live in TIF districts or enterprise zones to pay prevailing wage for private construction work on their property. Currently, a prevailing wage, which is set by the Department of Labor, only applies to public works projects. **The bill passed the Senate on a vote of 34-21.**

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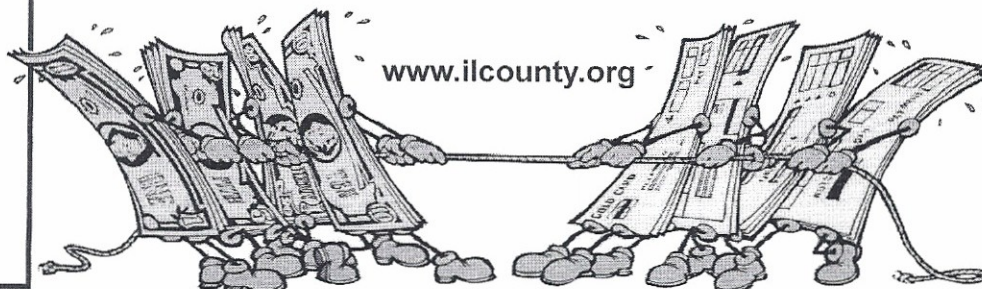
Talks continue... special session around the corner?

The Illinois House and Senate ended the first year of the 96th regular session on May 31, 2009 the last day scheduled on the session calendar. It is still very much in the air if they will be forced to return before veto session to deal with the ongoing budget stalemate. In the final hours both the House and Senate managed to pass a budget that falls far short of the needs of the State for the next fiscal year. Hailed by most lawmakers as a six month budget, it contains only about 50% of the estimated appropriated dollars for the year. While, others claim it is a 12-month budget for mandated services only and one that will require deep budget cuts of \$7 billion plus if no alternative is found. The Senate has held the budget bill in its chamber on a motion to reconsider, in response to Governor Quinn's stated refusal to sign it.

Illinois Senate President John Cullerton (D-Chicago) says the state's budget situation has come down to two choices... either raise taxes or brace for major spending cuts. He called a tax hike "inevitable" and implied that the outcome depends on Republicans whose votes will be necessary for any tax hike. So far the Republican Caucus has opposed that idea. House GOP Leader Tom Cross (R-Oswego) says reform is needed to structurally change the way state government is ran (operating expenses, program spending, pensions, Medicaid) before he's willing to ask people to pay more taxes. Now that the May 31 session deadline has passed the Republicans have a new bargaining power because any new budget or tax-increase must pass with a super-majority.

So where are we today? Gov. Quinn and the four legislative leaders met again this week. From what we're hearing, the focus of discussion has shifted significantly from increasing revenue to cutting spending. Quinn continues to hold his opinion that a tax hike is a must to close the \$12 billion budget hole. In the meantime, state agencies are putting together contingency plans with additional cuts to meet the 50 percent reduction if necessary. Local governments would face \$1 billion cut reducing their ability to fund core services like law enforcement, fire service and garbage collection and offices like public defenders, county treasurers and state's attorneys.

Losing the battle of the bills! The State of Illinois is currently facing an estimated \$6 billion bill backlog, including a \$1.4 billion short-term loan that must be paid back by the end of June. That backlog includes payments to all types of businesses, some of whom are waiting as long as six months to be reimbursed.



"High-Profile" Bills with deadlines extended to November 30, 2009.

Cigarette Tax Increase

The Senate narrowly passed **Senate Bill 44** which raises the state's tax on cigarettes by \$1 a pack over the next two years. The bill fell one vote short of the 30 votes needed for passage in its first attempt. However, later the same day with no debate, the Senate voted 30-26 for the plan. The bill has solid support among Democrats. Opponents to the tax argue that it would drive customers to border states with lower taxes. "The convenience store industry is a major employer in the state of Illinois, with facilities in every county," said Bill Fleischli, executive vice president of the Illinois Association of Convenience Stores. "If this tax is enacted, it will paralyze this industry."

Under the new law, a fifty-cent increase would take effect September 1, 2009. The additional fifty-cent increase would be implemented twelve months later. The tax increase is expected to generate a total two year gain in cigarette excise and use tax of \$350 million.

NOTE: Rep. John Bradley (D-Marion) introduced **Senate Bill 415** (cigarette tax trailer bill) in response to retailers' concerns over **Senate Bill 44**. It would only take effect if the cigarette tax increase were approved.



Bill aims to place control of the Illinois Republican Party back into the hands of rank-and-file Republicans

There has been much heated debate over **Senate Bill 600** this Session – a bill designed to restore the ability of Republican voters to vote who will be the Chairman and Central Committee Members of the Illinois Republican Party. Despite opposition from Senators Bill Brady (R-Bloomington) and Matt Murphy (R-Palatine), among other Republicans, the bill's sponsor Senator Chris Lauzen (R-Aurora), successfully passed **Senate Bill 600** from the Senate on a vote of 44-13-1.

The bill restores direct, popular election of the Republican State Central Committee, so that the State Central Committees of the two major parties in Illinois would be chosen on the same statutory basis. If this bill becomes law, Republican voters would have the right to directly elect their representatives to the GOP's senior governing board. Illinois Democrats have always had the right to directly elect the members of their State Central Committee. Currently, Illinois Republicans, like 45 other states, allow the grassroots of the Party to elect its leaders.

Some in the Republican Party leadership oppose this legislation on the grounds that it would allow Democrats to infiltrate intra-party elections. Grassroots Republicans in all 102 counties across the state were given the choice of how the Party conducts elections at the 2008 Party Convention in Decatur. The Illinois Republican Party called for a vote on the Lauzen bill and the resolution was crushed with 78% in opposition and 22% in support. The bill now moves to the Illinois House.



SB 253 (Link) Saviano
PREDATORY LENDING – MORTGAGE
Amends the Conveyances Act to require the lender to attach a mortgage rider identifying various participants in a mortgage transaction.

SB 1381 (Haine) Lang
MEDICAL MARIJUANA
This measure legalizes medical marijuana. It narrowly passed the Senate by a vote of 30 to 28. The Compassionate Use of Medical Cannabis Pilot Program Act allows patients with diseases like AIDS and glaucoma to use marijuana on their doctors' advice without the threat of arrest. Several Senators rose to speak in favor of and in opposition to the controversial bill resulting in nearly 45 minutes of deliberations. The bill faces even stronger debate in the House where a similar bill died earlier this year. The Illinois State Police and many county sheriffs have opposed the bill.

SB 1716 (Koehler) Harris
CIVIL UNIONS
Rep. Greg Harris (D-Chicago) introduced **House Bill 2234** which creates the Illinois Religious Freedom Protection and Civil Union Act. The bill advanced to Third Reading on March 19, but died on the House floor. Through a parliamentary procedure **Senate Bill 1716** was gutted and replaced with the contents of **House Bill 2234**. Defines "civil union" as a legal relationship between 2 persons, of either the same or opposite sex, established in accordance with the Act.

HB 3923 (Harris) Steans
HEALTH INSURANCE REFORM
Aims to bring transparency to the health insurance industry in response to soaring health care premiums. Several consumer protections are included in the legislation such as providing an external review process for denied insurance claims and premium increases. This bill is a top priority for AARP while at the same time being heavily opposed by the health insurance industry. **House Bill 3923** passed the Senate on the last day of Session by a vote of 54-1. It now heads back to the House for concurrence of Senate Amendments No. 3, No. 4 and No. 5.

Significant HOUSE Bills supported by the IACBMC that passed both Houses

HB 61 – PUBLIC BLDG. COMMISSION

Provides a Public Building Commission has the power to employ and discharge "design-build" experts without regard to any Civil Services Act.

HB 146 – COUNTY LAW LIBRARY FEE

Gives county boards the authority to raise filing fees in civil cases to pay for increasing costs of county law libraries. The bill raises the current limit from \$13 to \$18. The limit would go up an additional dollar in 2010 and to \$21 in 2011.

HB 237 – STATE PROMPT PAYMENT

Amends the State Prompt Payment Act. Provides that payment of bills submitted under Article V of the Illinois Public Aid Code must be made within 60 days (instead of 30 days) before a 2% interest penalty is added.

HB 242 – PTELL DEBT SERVICE EXT.

Amends the Property Tax Extension Limitation Law. Eases the property tax cap on debt held by local governments by allowing debt levies to increase in the same fashion as the general operating levy. Allows the tax extension for debt service to be increased each year by the Consumer Price Index (CPI). The increase is capped at 5 percent. The adjustment will not be retroactive and will begin with the 2009 change in the CPI.

HB 347 – COUNTY DETENTION HOME

Provides that, if the county board of any county has levied a tax for a detention home and cannot adequately support the facility, the county board may expend the tax receipts for detention services purchased through agreements with other governmental units.

HB 460 – BUILD ILLINOIS BOND ACT

Provides that certain bonds that may currently be used for loans or grants to units of local government for wastewater facilities may also be used for grants to serve unincorporated areas.

HB 466 – MUNICIPAL ANNEXATION

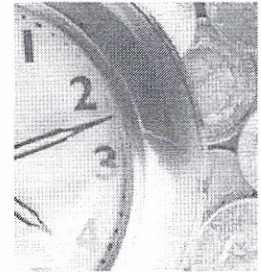
Provides that property in Champaign County that is subject of an annexation agreement is subject to the jurisdiction of the annexing municipality if the prop-

Competitive bid bill receives final legislative approval

The Illinois Senate overwhelmingly approved **House Bill 585**, legislation backed by the IACBMC, to allow for quicker and more efficient purchasing by county governments. The bill raises the current bid threshold from \$20,000 to \$30,000 for certain materials, supplies and equipment.

The reasoning for limitations on purchases is understood and desirable. However, in our current economy, \$20,000 does not have the buying power that it did a few years ago. This change will help counties keep pace with inflation and simplify the bidding process, resulting in cost-saving efficiencies.

House Bill 585 now goes to the Governor. Thanks to Rep. Jim Sacia (R-Pecatonica) and Sen. Pam Althoff (R-Crystal Lake) for sponsoring the legislation and to President-Elect Judy Truckenbrod and the Lee County Board for bringing the legislative proposal to the IACBMC.



erty is located within 1.5 miles of the corporate boundaries of the municipality or more than 1.5 miles from the corporate boundaries of the municipality unless the county board retains jurisdiction.

HB 641 – BRIDGE CONSTRUCTION

Amends the Illinois Highway Code. Changes the amount of time funds apportioned for allocation to road districts to be used for bridge construction will lapse if the funds remain uncommitted from 24 months to 48 months.

HB 722 – ILLINOIS POWER AGENCY

Allows a municipality or county board to adopt an ordinance allowing it to buy power on behalf of its residents by grouping the consumers together, which lowers the cost, and requires the Illinois Power Agency to help them accomplish that goal.

HB 883 – TEST WIND TOWERS

Amends the Counties Code. Deletes the requirement that test wind towers be dismantled within 3 years of installation.

HB 1003 – MUNICIPAL ANNEXATION

Except for property located in certain counties, if property that is the subject of an annexation agreement is located

more than 1.5 miles from the corporate boundaries of the annexing municipality, that property is subject to the ordinances, control, and jurisdiction of the annexing municipality unless the county board retains jurisdiction by the affirmative vote of two-thirds of its members.

HB 1055 – WILL COUNTY AIRPORT

Extends provisions concerning tax recovery for taxing districts because of the lease of land for development of an airport in Will County for an additional 10 years (from December 31, 2010 to December 31, 2020).

HB 3630 – COUNTY CARE

Allows the county board of any county with a 3-member county board for care and treatment of persons with a developmental disability to increase the board to 5 members.

HB 3718 – ZONE TOWERS

Amends the Counties Code. In provisions concerning specified telecommunication and AM broadcast facilities in any county with a population of 180,000 or more, adds that a county board may grant variations after one public hearing held at a zoning or other appropriate committee meeting with proper notice.

Significant SENATE Bills supported by the IACBMC that passed both Houses



State may review Local Govt. Revenue Sharing

On June 4, the Taxpayer Action Board (TAB) presented its final report to Gov. Pat Quinn detailing measures to make state government more accountable and efficient. Among the TAB recommendations was review of the following local government tax sharing programs:

- Local Share of State Income Tax
- Motor Fuel Tax
- Local Share of State Sales Tax
- Local Share of State Use Tax
- Corporate Personal Property Replacement Taxes
- RTA & Downstate Transit Funds

During FY08, the state provided general, non-education financial support to local governments close to \$6 billion. TAB stated the formulas have not been reviewed or adjusted in some time, and the current economic climate provides a strong impetus for undertaking this initiative.

IACBMC will monitor this issue to ensure that any actions taken by the Governor or TAB are justified and not aimed at balancing the State budget to the detriment of local governments. There are several other small grant and reimbursement programs made to units of local government that may also be considered for review.

**The TAB report is available at
www.ilcounty.org.**

SB 148 – RAILROAD CROSSING

Provides that the Illinois Commerce Commission, in cooperation with a local law enforcement agency, may establish in any county or municipality a system for automated enforcement (cameras) of railroad crossing violations. Local authorities must initiate the process by enacting a local ordinance requesting the creation of such a system.

SB 207 – PROPERTY TAX APPEALS

Known as the Property Owner Bill of Rights it enhances information to be provided to the public regarding property tax assessments, including appeals. Spells out information that must be included with mailed notices of changed assessments.

SB 230 – OCCUPATION TAX PROCEEDS

Allows counties to share public safety tax funds with fire protection districts.

SB 587 – PUBLIC FACILITIES

Allows counties with a population of 100,000 or less to own student housing.

SB 1511 – COUNTY ORDINANCES

Provides that a county board may by resolution or ordinance require that an occupancy permit be obtained for each newly constructed residential dwelling located outside the limits of cities, villages, and incorporated towns. The county board may not require more than one occupancy permit per newly constructed residential dwelling and may not impose a fee on a permit.

SB 1750 – PTELL MENTAL HEALTH

Provides that a referendum to increase the limiting rate under the Property Tax Extension Limitation Law shall include a statement of the purpose for the increase. If a governmental unit levies a tax under the Community Mental Health Act and the rate specified in the referendum question is less than 0.15%, then the governing body may increase that rate to not more than 0.15% upon referendum approval.

SB 1934 – COUNTY 911 CENTER

Authorizes the Dept. of Corrections to transfer roughly 21 acres from the Stateville Correctional Center site to Will County. The county plans to use this land to build a new 911 Regional Emergency Communications Center.

SB 2024 – CLERKS OF COURTS ACT

Increases various fines. Provides that a county with a drug court may adopt a mandatory fee of \$5 to fund the drug court, less a 5% clerk processing charge, assessed against any defendant found guilty in a traffic case or who is ordered to pay a fine under the Unified Code of Corrections.

SB 2095 – COUNTY JAIL ACT

Provides that upon notification from the Circuit Clerk of an outstanding fine, restitution, or costs imposed by the court on a jail inmate, the warden may, at any time prior to release of the inmate, deduct from money credited to any account of the inmate an amount to pay or reduce the outstanding balance.

Federal assistance sought

Gov. Quinn has requested federal assistance for Franklin, Gallatin, Jackson, Randolph, Saline and Williamson counties to assist with recovery efforts from a devastating storm that hit parts of southern Illinois on May 8. If approved, local government bodies in those counties could receive reimbursement for 75 percent of their extraordinary storm-related expenses, including overtime costs and repair or replacement of storm-damaged public property. At least 260 homes in a five-county area were destroyed or damaged. Storm-related costs are expected to top \$26 million.



***Bills OPPOSED by
the IACBMC that passed
both Houses.***

Despite our best efforts, the IACBMC was unable to secure enough votes from lawmakers to stop the following measures. If your county is concerned about these bills, we advise you to respectfully request of the Governor a veto on these measures.

HB 952 – PREVAILING WAGE

Amends the definition of "public works" to provide that the prevailing wage must be paid to those employed on demolition projects undertaken by a public body with the use of public funds.

HB 3664 – CERTIFICATE OF ERROR

Amends the Property Tax Code. In counties of less than 3,000,000, provides that if an owner fails to file an application for any homestead exemption (instead of only the senior assessment freeze), a certificate of error may be issued.

HB 3746 – WIND TOWERS

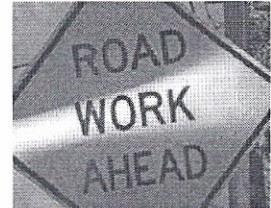
Provides that a county or municipality may not require a wind tower or other renewable energy system that is used exclusively by an end user to be setback more than 1.1 times the height of the renewable energy system from the end user's property line.

HB 4120 – PROPERTY TAX CODE

Permits any taxing district, upon a majority vote of its governing body, to abate any portion of property taxes if a new business first occupies a facility located on the property during the taxable year and the facility was vacant for a period of at least 24 continuous months prior to being occupied by the business. The abatement cannot exceed a period of 2 years and the aggregate amount of abated taxes for all taxing districts cannot exceed \$4 million.

**Capital infrastructure bill locked up
in the House**

After nearly a decade of gridlock, the General Assembly managed to pass a \$29 billion capital plan to ramp up the state's investment in roads, bridges, schools and other public projects. This was the first major bi-partisan legislative initiative to move through Springfield in some time. But, for the moment the "train is off the track". While early on it appeared that lawmakers were making progress on a budget, the Governor's push for an income tax increase brought things to a halt. Gov. Quinn hinted about not signing the capital bill and using it as leverage for a budget deal, so Rep. Lou Lang (D-Skokie) filed a procedural motion to reconsider the vote on the bill. It remains locked up in the House.



The capital construction plan, expected to create 450,000 new jobs, involves four bills:

House Bill 255 – Revenue

- Creates the Video Gaming Act: allows licensed retail establishments where alcohol is served for consumption, licensed fraternal establishments, and licensed veterans establishments and truck stops to conduct video gaming
- Creates the Local Government Video Gaming Distributive Fund
- Stops diversions from the Road Fund to Secretary of State and State Police
- Increases the tax on wine, beer, alcohol and spirits

House Bill 312 – Appropriations

- Directs total spending of nearly \$29 billion for state programs like roads, schools, public transit, water and sewer investment

House Bill 313 – Appropriations

- Appropriates more than \$1.5 billion to community investment grants
- Contains 972 pages of specific spending listings

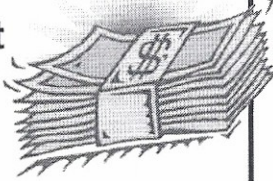
House Bill 2400 – Bonding

- Increases bonding authorization in order to use the revenue raised by HB 255 to support \$12 billion in bonds. Provides that money in the Capital Projects Fund shall, if and when the State of Illinois incurs any bonded indebtedness using bond authorization enacted in the amendatory Act, be set aside and used for the purpose of paying and discharging annually the principal and interest on that bonded indebtedness then due and payable.

Note: The overall majority of the spending is programmatic, meaning that most of the investment dollars will be directed to existing state programs. For example, more than \$11.5 billion will be invested in the Illinois Department of Transportation's "Multiyear Road Program" which uses professional engineering formulas to determine a priority list for projects.

During the last week of session, the General Assembly approved major changes to the State's Freedom of Information Act, the Open Meetings Act and the Attorney General's Act. The IACBMC has prepared a summary of the changes contained in Senate Bill 189. This special report is available at www.ilcounty.org.

Campaign reform bill sent to Governor



Over the objections of numerous reform advocates throughout the state, including Gov. Pat Quinn's Illinois Reform Commission (IRC), the General Assembly approved **House Bill 7** that would for the first time in Illinois limit campaign contributions. Members of both parties voiced opposition to the bill. In fact, no Senate Republicans voted for this measure, the House vote was 64-46. In the end, Quinn supported the bill going against the Commission he created.

The measure limits donations from individuals to politicians at \$5,000 a year and at \$10,000 a year for corporations and unions. Political committees are limited in how much money they can transfer amongst themselves. The IRC recommended limits that mirror the federal system of campaign contribution limits: \$2,400 on individuals, \$5,000 on political committees, businesses and unions and a \$30,000 limit on legislative leadership. Speaker Madigan said that the federal limits were too low and would essentially benefit incumbents. In response, House Republicans introduced **House Bill 24**, which would mirror the federal limits, but were unable to gain enough support to call the bill for a vote on the House floor.

Many of the new provisions contained in **House Bill 7** would not take effect until January 2011, after the next general election.

County Commissioner 3-5 bill approved

House Bill 704 as amended, provides that Calhoun, Edwards and Union County may, upon referendum initiated by (i) the adoption of a resolution by the board of county commissioners or (ii) a petition signed by not less than 10% of the registered voters in the county, establish a 5-member board of county commissioners. Sponsored by Rep. Brandon Phelps (D-Harrisburg) and Sen. Gary Forby (D-Benton) and backed by the Illinois Farm Bureau, this bill has been sent to the Governor.

Other bills that were held or failed to pass

Senate Bill 49 creates a special reimbursement fund to assist north-east Illinois municipalities, counties and road districts which overpaid for their winter road salt. A unique hardship was placed on many local governments that were harmed by CMS when no bids were received through the CMS process denying them an opportunity to purchase salt on their own in a timely fashion. Rep. Pat Verschoore (D-Rock Island) plans to offer an Amendment in the House which will make the bill applicable to ALL counties. Sen. Pam Althoff (R-Crystal Lake) believes that adding additional counties to the bill will make it cost prohibitive and dead on arrival. Appropriation sought is \$12,900,000. **Passed the Senate 58-1; held in House Rules.**

Senate Bill 78, an initiative of the IACBMC, seeks to bring fairness and equity in how property is treated outside mobile home parks. The bill requires that manufactured homes on private property be placed on a support system defined by HUD and assessed as "real property". **Passed the Senate 49-5-1; held on the order of Second Reading in the House while negotiations continue.**

Senate Bill 286 gives counties with a population of less than 1 million the authority to levy a tax for farmland preservation easement purposes. The tax may not exceed 0.05% of the EAV and must be approved by referendum. Kane County is currently the only county in Illinois with a significant financial source for its program, relying on gaming revenue to match available federal funding from the Federal Farmland Protection Program. **Passed the Senate in early April but failed in the House Counties and Townships Committee 3-3-2.**

Senate Bill 1513 is an initiative of the IACBMC. Removes the IMRF property tax levy from under the scope of the Property Tax Extension Limitation Law (PTELL). This important legislation would allow "tax-capped" counties to levy for increases in the IMRF contribution rates. **Held in the Senate Revenue Committee.**

Senate Bill 2126 was strongly supported by the IACBMC. The tax cap has a limit that provides the annual increase shall be no more than 5% or the percentage of the Consumer Price Index, whichever is less. This bill will place an absolute minimum of 2% for cases where significant economic distress might lower the Consumer Price Index to .1%. **Failed in the Senate by a vote of 21-24-4.**

Senate Bill 1648 allows an elected or appointed coroner to participate in the IMRF Fund as a sheriff's law enforcement employee (SLEP). **Passed the Senate unanimously 56-0, but was not called in the House Executive Committee.**

House Bill 442 adds Macon and Winnebago to the 8 previously designated counties that are authorized to use automated traffic law systems to capture red light violations. **Failed in the Senate by a vote of 13-36-4.**

House Bill 1597 increases coroner's fees for autopsy reports, cremation permits, transcripts, toxicology reports, and miscellaneous reports. **Passed the House by a vote of 71-45; held in the Senate.**

Word from Washington

A publication of the
Illinois Association of County Board Members



June 18, 2009

Counties and farmers fighting federal overreach of CWA

The nation's county governments and farmers are partnering to oppose legislation to significantly expand the federal jurisdiction of the Clean Water Act (CWA). The National Association of Counties' (NACo) and the American Farm Bureau Federation (AFBF) are concerned that the Clean Water Restoration Act (CWRA) would needlessly expand the federal reach of CWA and result in significant negative impacts on farmers, ranchers, local governments and local economies without improving protections of the nation's critical water resources. Both organizations stressed that they support current CWA provisions and enforcement of state and local environmental protection laws.

The groups have expressed their concern to Congress that eliminating the word "navigable" from the definition of "Waters of the United States" would result in an unprecedented expansion of federal authority.

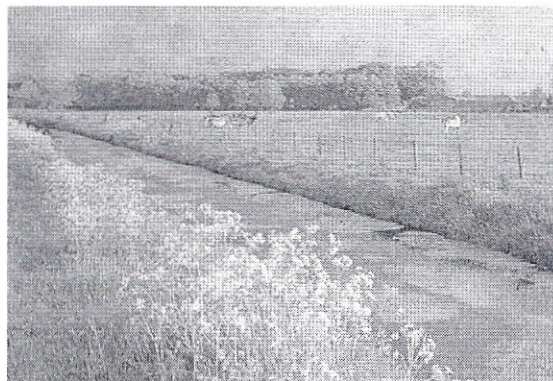
NACo President Don Stapley, supervisor, Maricopa County, Ariz., said that NACo supports CWA provisions that protect wetland habitats and rivers and streams of the U.S., but does not support federal efforts to change the definition of the Clean Water Act from navigable waters to "waters of the United States." In addition, NACo opposes federal efforts to further expand the authority and responsibilities of the federal agencies in regard to these waters.

"The legislation would drastically expand federal clean water jurisdiction and create significant bureaucratic obstacles and lead to increased costs to counties without necessarily enhancing environmental protections of waterways and wetlands," Stapley said.

AFBF President Bob Stallman called the bill "regulatory overkill" which largely disregards the positive conservation role farmers and ranchers are playing. "By replacing 'navigable waters' with 'all intrastate waters,' the federal government would have control of structures such as drainage ditches, which are only wet during rain events," Stallman said. "Rather than restore the Clean Water Act, it just brings a new truckload of restrictions for the people who do most to protect our water."

Stapley said counties have similar concerns. The bill would require that counties obtain a federal permit before any project of any size could move forward if it affects any wet area. "If the term 'navigable' is removed, it is possible that ditches, pipes, streets, gutters, manmade ponds, drainage features, desert washes and other features could be regulated," Stapley said. "Additionally, activities such as mosquito and fire abatement prohibitions to regulating rain gutters beside homes could also be regulated. This would be extremely problematic and costly to counties."

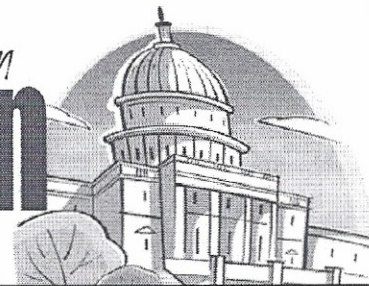
Stallman said that farmers and ranchers use modern conservation practices to protect the nation's water supplies. Many times these efforts are put in place voluntarily because farmers are driven by a strong stewardship ethic. "Taking these changes one step further, it would likely give federal regulators the ability to control everyday farming activities in adjacent fields," Stallman said. "That is the kind of expensive, regulatory overkill that hard-working farm families in our nation cannot afford to bear."



The bill would require that counties obtain a federal permit before any project of any size could move forward if it affects any wet area.

NACo and AFBF pledge to work with the bill's sponsors to ensure that any proposed changes to the CWA are both effective and workable for farmers and local governments.

Word from Washington



June 18, 2009 • Page 2 of 4



Senate introduces Mobile Wireless Tax Fairness Act

U.S. Senators Ron Wyden (D-Ore.) and Olympia Snowe (R-Maine) have introduced the Mobile Wireless Tax Fairness Act of 2009 to enact a five-year moratorium on new or increased taxes on wireless telecommunications infrastructure and services. The bill is a companion to the Cell Tax Fairness Act of 2009 (HR 1521) that was introduced a few months ago by Rep. Zoe Lofgren (D-Calif.) and Rep. Trent Franks (R-Ariz.) of the House.

The proposed legislation preempts state and local taxing authority. It will prohibit state or local governments from imposing any **NEW** discriminatory taxes on wireless services or products that is not applied to other products or services for a period of five years. The legislation would not affect current state, local or federal taxes.

According to the Senate press release, while the average tax rate for goods and services is 7.07 percent, the typical consumer pays 15.9 percent of their total wireless bill in federal, state and local taxes. The effective rate of taxation on wireless services increased four times faster than the rate on other taxable goods and services between January 2003 and January 2007.

The bill enjoys wide support in the telecommunications industry, but is opposed by local government groups.

President Obama issues broad restrictions on preemption of state law

On May 20, 2009, President Obama issued a memo that places broad restrictions on federal departments and agencies regarding actions to preempt state law. The memo states, in part:

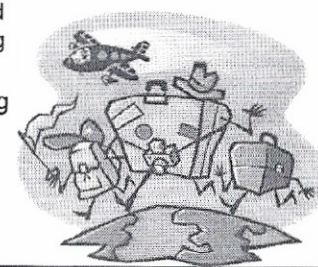


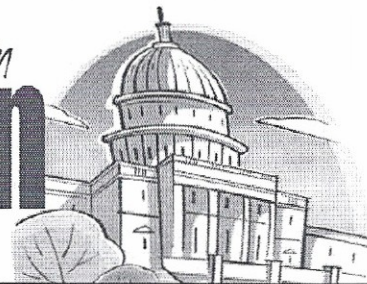
"The purpose of this memorandum is to state the general policy of my Administration that preemption of State law by executive departments and agencies should be undertaken only with full consideration of the legitimate prerogatives of the States and with a sufficient legal basis for preemption. Executive departments and agencies should be mindful that in our Federal system, the citizens of the several States have distinctive circumstances and values, and that in many instances it is appropriate for them to apply to themselves rules and principles that reflect these circumstances and values."

The Presidential memo also says: "An understanding of the important role of State governments in our Federal system is reflected in long-standing practices by executive departments and agencies, which have shown respect for the traditional prerogatives of the States. In recent years, however, notwithstanding Executive Order 13132 of August 4, 1999 (Federalism), executive departments and agencies have sometimes announced that their regulations preempt State law, including State common law, without explicit preemption by the Congress or an otherwise sufficient basis under applicable legal principles.

"...executive departments and agencies [should] include statements of preemption in regulations only when such statements have a sufficient legal basis ... Throughout our history, State and local governments have frequently protected health, safety, and the environment more aggressively than has the national Government.

Sen. Dick Durbin (D-IL) discussed the **Travel Promotion Act of 2009 (S.1023)** on the floor of the U.S. Senate yesterday. The legislation will promote tourism to the U.S. and advance Chicago's interest in being awarded the 2016 Olympic Games by setting up stronger entities to promote internationally the benefits of visiting America. Nationwide, the bill is estimated to create 40,000 jobs in the first year and will reduce the deficit by over \$400 million.





Federal wage laws affect construction funded by Recovery Act

by Deseree Gardner, NACo Associate Legislative Director



New guidance from the U.S. Department of Labor Wage and Hour Division extends the application of federal wage laws under the Davis-Bacon Act to projects funded through the Recovery Act.

The Labor Department's Wage and Hour Division (WHD) released written guidance to all federal agencies May 29 concerning implementation of Section 1606 of the American Recovery and Reinvestment Act of 2009 (ARRA). Section 1606 requires application of the 1931 Davis-Bacon Act prevailing wage standards to federal and federally assisted construction work funded in whole or in part by the Recovery Act.

Introductory language for Section 1606 also explicitly overrides any limitation to Davis-Bacon coverage contained in other Davis-Bacon related statutes or regulations. As a result, if a construction project is funded under multiple statutes in addition to ARRA, the the ARRA prevailing wage requirement will apply.

WHD summarizes government contractor obligations as follows:

On contracts funded in whole or in part by ARRA appropriations, contractors and subcontractors must pay laborers and mechanics employed directly upon the site of the work no less than the locally prevailing wages (including fringe benefits) listed in the Davis-Bacon wage determination in the contract for the work performed. Contractors and subcontractors on covered projects must pay all laborers and mechanics weekly and submit weekly certified payroll records to the contracting or administrative agency.

The Labor Department's wage determinations are available to agencies and the public online at www.wdoh.gov. WHD has also launched a new Web page (www.doh.gov/esa/whd/recovery/) with ARRA-related compliance information.

PILT payments to Local Governments distributed

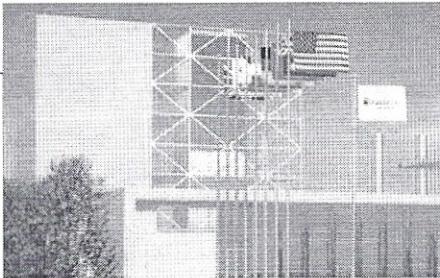
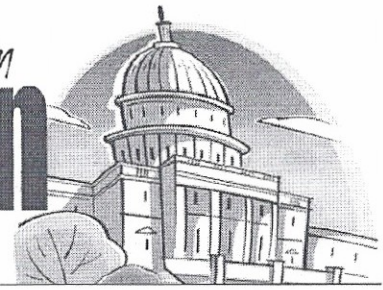
Approximately 1,850 local governments with federal land in their jurisdictions, including 35 counties in Illinois, will receive \$381.6 million this year under the Payments in Lieu of Taxes (PILT) Program to help offset forgone tax revenue. The total 2009 PILT payments are \$13.6 million higher than payments made in 2008. This reflects the result of annual inflationary adjustments to the per acre and population variables used in the formula to compute payment amounts.

Payment eligibility is reserved for local governments (usually counties) that contain nontaxable federal lands and provide government services related to public safety, housing, social services, transportation and environment.

PILT payments to local governments are computed based on the number of acres of federal entitlement land within each county or jurisdiction and the population. The lands include the National Forest and National Park Systems, those managed by the Bureau of Land Management, those affected by Corps of Engineers and Bureau of Reclamation water resource development projects.

For additional information visit
www.doh.gov/pilt





Agreement reached on path forward for Mattoon power plant

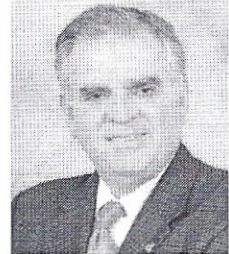
The FutureGen Alliance and the U.S. Department of Energy (DOE) have reached an agreement to proceed with a reconfigured energy facility using carbon capture and sequestration at Mattoon, Ill. The agreement comes after several months of discussions between officials from the Alliance and the DOE.

FutureGen Alliance Chief Executive Officer Michael J. Mudd said that under the agreement the Alliance and DOE will work together through the rest of the year to refine the facility's design to reduce cost and technical risk. Several technology configurations will be considered and upcoming discussions with equipment vendors, the engineering team and economics will shape the final design of the facility.

With the Energy Department's assistance, substantial progress has been made on the project's financing. The DOE will provide \$1.073 billion from the American Recovery and Reinvestment Act and previously appropriated federal funds. Contingent upon an acceptable total project cost and funding, the Alliance expects to begin equipment procurement and construction in 2010.

Statement from U.S. Transportation Secretary Ray LaHood on the Highway Trust Fund

June 17, 2009 – "This morning, I went to Capitol Hill to brief members of Congress on the situation with the Highway Trust Fund. I am proposing an immediate 18-month highway reauthorization that will replenish the Highway Trust Fund. If this step is not taken the trust fund will run out of money as soon as late August and states will be in danger of losing the vital transportation funding they need and expect.



"As part of this, I am proposing that we enact critical reforms to help us make better investment decisions with cost-benefit analysis, focus on more investments in metropolitan areas and promote the concept of livability to more closely link home and work. The Administration opposes a gas tax increase during this challenging, recessionary period, which has hit consumers and businesses hard across our country.

"I recognize that there will be concerns raised about this approach. However, with the reality of our fiscal environment and the critical demand to address our infrastructure investments in a smarter, more focused approach, we should not rush legislation. We should work together on a full reauthorization that best meets the demands of the country. The first step is making sure that the Highway Trust Fund is solvent. The next step is addressing our transportation priorities over the long term."

SCAAP in jeopardy, plan to expand Secure Communities Program

Congresswoman Mary Bono Mack (CA-45) called for restored funding for the State Criminal Alien Assistance Program (SCAAP), which helps state and local governments offset the costs associated with incarcerating criminal illegal aliens. In a letter sent to House appropriators, Bono Mack and several of her colleagues expressed their deep concern about the elimination of SCAAP in the President's Fiscal Year 2010 budget request.

"Already facing significant economic challenges, our state and local governments depend on SCAAP funding to deal with the rising costs of incarcerating criminal illegal aliens," said Bono Mack.

Under the law that created SCAAP, the federal government is required to take all criminal illegal aliens into federal custody. If that is not possible, which has been the case since the program was created, the law calls for compensation of state and local governments' incarceration costs. At the same time the Obama administration has proposed eliminating SCAAP it is planning to expand the Secure Communities Program which uses technology to identify and deport high-risk criminal aliens.