

SB1862



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB1862

Introduced 2/9/2017, by Sen. Tom Rooney

SYNOPSIS AS INTRODUCED:

30 ILCS 805/9.5 new
65 ILCS 5/8-1-6.5 new

Amends the Illinois Municipal Code. Provides that the corporate authorities of a municipality may, by ordinance with a three-fifths vote, exempt the municipality from one unfunded mandate per year if it determines that compliance with the unfunded mandate creates an undue burden on the municipality. Provides for notice, public hearing, and other requirements in order for the corporate authorities to exempt the municipality from a mandate. Prohibits exemption from federally required mandates, mandates pertaining to health and public safety, mandates pertaining to civil rights, and instructional mandates for school districts. Amends the State Mandates Act making conforming changes.

LRB100 11068 AWJ 21311 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The State Mandates Act is amended by adding
5 Section 9.5 as follows:

6 (30 ILCS 805/9.5 new)

7 Sec. 9.5. Municipal unfunded mandate exemption. In any
8 instances in which this Act, including, but not limited to,
9 exemptions set forth in Sections 8.1 and following of this Act,
10 conflicts with Section 8-1-6.5 of the Illinois Municipal Code,
11 Section 8-1-6.5 of the Illinois Municipal Code controls.

12 Section 10. The Illinois Municipal Code is amended by
13 adding Section 8-1-6.5 as follows:

14 (65 ILCS 5/8-1-6.5 new)

15 Sec. 8-1-6.5. Exemption from unfunded mandates.

16 (a) As used in this Section:

17 "Director" means the Director, Secretary, Executive
18 Director, or other chief executive officer of a State Agency.

19 "Mandate" means, except as otherwise provided in this
20 Section, the following mandates defined in Section 3 of the
21 State Mandates Act: (a) local government organization and

1 structure mandates; (b) due process mandates; (c) service
2 mandates; and (d) personnel mandates.

3 "State Agency" has the meaning provided in Section 1-7 of
4 the Illinois State Auditing Act.

5 (b) Notwithstanding any other provision of law, the
6 corporate authorities of a municipality may, by ordinance with
7 a three-fifths vote, propose exemption from one unfunded
8 mandate each year under any law or administrative rule if the
9 corporate authorities determines that compliance with the
10 unfunded mandate creates an undue burden on the municipality.
11 The corporate authorities of a municipality may exempt the
12 same, or a different, unfunded mandate each year. The ordinance
13 shall:

14 (1) state an estimate of the cost of compliance with
15 the unfunded mandate;

16 (2) state how the cost of compliance with an unfunded
17 mandate creates an undue burden and significantly hinders
18 its ability to deliver on the statutory mission of the
19 municipality;

20 (3) attach documentation in support of items (1) and
21 (2) of this subsection (b); and

22 (4) certify that the exemption is not prohibited by
23 subsection (c); and

24 (5) state that a public hearing will be held, within 30
25 days after the effective date of the ordinance, regarding
26 the proposed exemption.

1 (c) A municipality may not be exempted from an unfunded
2 mandate if the mandate is:

3 (1) a federally required mandate;

4 (2) a mandate pertaining to health and public safety to
5 a degree which should not be waived; or

6 (3) a mandate pertaining to local, State, or federal
7 civil rights.

8 (d) Before a municipality may lawfully be exempted from an
9 unfunded mandate under subsection (b), it must hold a public
10 hearing on the matter. The municipality must publish a notice
11 of the public hearing's time, date, place, and general subject
12 matter at least 7 days prior to the hearing in a newspaper of
13 general circulation within the municipality and on its website,
14 if it has a website. Following the public hearing, the
15 corporate authorities shall approve, by ordinance with a
16 three-fifths vote, or reject the exemption. If approved, the
17 exemption will take effect upon adoption of the ordinance.

18 (e) Within 10 days of adoption of an ordinance approving an
19 exemption under subsection (d), a copy of the ordinances
20 adopted under subsection (b) and subsection (d), including all
21 attached documentation, shall be provided to the Office of the
22 Governor, Office of the Senate President, Office of the Senate
23 Minority Leader, Office of the Speaker, Office of the Minority
24 Leader, and any Director of an affected State Agency by
25 certified mail.

26 (f) In any instances in which this Section conflicts with

1 the State Mandates Act, this Section controls.