



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**HB1062**

Introduced 2/4/2005, by Rep. William Delgado

**SYNOPSIS AS INTRODUCED:**

30 ILCS 805/3

from Ch. 85, par. 2203

Amends the State Mandates Act. Makes a technical change in a Section concerning definitions.

LRB094 10323 RSP 40593 b

1 AN ACT concerning finance.

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 changing  
5 Section 3 as follows:

6 (30 ILCS 805/3) (from Ch. 85, par. 2203)

7 Sec. 3. Definition. As used in this Act: (a) "Local  
8 government" means a municipality, county, township, other unit  
9 of local government, school district, or community college  
10 district.

11 (b) "State mandate" means any State-initiated statutory or  
12 executive action that ~~that~~ requires a local government to  
13 establish, expand or modify its activities in such a way as to  
14 necessitate additional expenditures from local revenues,  
15 excluding any order issued by a court other than any order  
16 enforcing such statutory or executive action. State mandates  
17 may be reimbursable or nonreimbursable as provided in this Act.  
18 However, where the General Assembly enacts legislation to  
19 comply with a federal mandate, the State shall be exempt from  
20 the requirement of reimbursing for the cost of the mandated  
21 program.

22 (c) "Local government organization and structure mandate"  
23 means a State mandate concerning such matters as (1) the form  
24 of local government and the adoption and revision of statutes  
25 on the organization of local government; (2) the establishment  
26 of multi-county districts, councils of governments, or other  
27 forms and structures for interlocal cooperation and  
28 coordination; (3) the holding of local elections; (4) the  
29 designation of public officers, and their duties, powers and  
30 responsibilities; and (5) the prescription of administrative  
31 practices and procedures for local governing bodies.

32 (d) "Due process mandate" means a State mandate concerning

1 such matters as the (1) administration of justice; (2)  
2 notification and conduct of public hearings; (3) procedures for  
3 administrative and judicial review of actions taken by local  
4 governing bodies and (4) protection of the public from  
5 malfeasance, misfeasance, or nonfeasance by local government  
6 officials.

7 (e) "Benefit spillover" means the process of accrual of  
8 social or other benefits from a governmental service to  
9 jurisdictions adjacent to or beyond the jurisdiction providing  
10 the service.

11 (f) "Service mandate" means a State mandate as to creation  
12 or expansion of governmental services or delivery standards  
13 therefor and those applicable to services having substantial  
14 benefit spillover and consequently being wider than local  
15 concern. For purposes of this Act, applicable services include  
16 but are not limited to (1) elementary and secondary education,  
17 (2) community colleges, (3) public health, (4) hospitals, (5)  
18 public assistance, (6) air pollution control, (7) water  
19 pollution control, (8) solid waste treatment and disposal. A  
20 State mandate that expands the duties of a public official by  
21 requiring the provision of additional services is a "service  
22 mandate" rather than a "local government organization and  
23 structure mandate".

24 (g) "Tax exemption mandate" means a State mandate that  
25 exempts privately owned property or other specified items from  
26 the local tax base, such as (1) exemption of business  
27 inventories from the local property tax base, and (2) exemption  
28 of food or medicine from the local "sales" tax.

29 (h) "Personnel mandate" means a State mandate concerning or  
30 affecting local government (1) salaries and wages; (2) employee  
31 qualifications and training (except when any civil service  
32 commission, professional licensing board, or personnel board  
33 or agency established by State law sets and administers  
34 standards relative to merit-based recruitment or candidates  
35 for employment or conducts and grades examinations and rates  
36 candidates in order of their relative excellence for purposes

1 of making appointments or promotions to positions in the  
2 competitive division of the classified service of the public  
3 employer served by such commission, board, or agency); (3)  
4 hours, location of employment, and other working conditions;  
5 and (4) fringe benefits including insurance, health, medical  
6 care, retirement and other benefits.

7 (Source: P.A. 81-1562.)