



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB1084

Introduced 02/04/11, by Rep. Michelle Mussman

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Business Mandate Note Act. Provides that every bill the purpose or effect of which is to directly increase the cost of doing business in the State shall have prepared for it, before second reading in the house of introduction, a brief explanatory statement or note that shall include a reliable estimate of the anticipated impact. Provides that the Department of Commerce and Economic Opportunity shall prepare the business mandate note. Provides that the Department shall collect and maintain information on business mandates. Effective immediately.

LRB097 06351 PJG 46431 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

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

4 Section 1. Short title. This Act may be cited as the  
5 Business Mandate Note Act.

6 Section 5. Definitions. As used in this Act:

7 "Business mandate" means any State-initiated statutory or  
8 executive action that requires a business to establish, expand,  
9 or modify its activities in such a way as to necessitate  
10 additional costs of doing business, excluding any order issued  
11 by a court other than any order enforcing such statutory or  
12 executive action.

13 "Department" means the Department of Commerce and Economic  
14 Opportunity.

15 Section 10. Applicability.

16 (a) Every bill, except those making a direct appropriation,  
17 the purpose or effect of which is to directly increase the cost  
18 of doing business in the State shall have prepared for it,  
19 before second reading in the house of introduction, a brief  
20 explanatory statement or note that shall include a reliable  
21 estimate of the anticipated impact.

22 (b) Every proposed rule of an agency, the purpose or effect

1 of which is to directly increase the cost of doing business in  
2 the State shall have prepared for it, before approval by the  
3 Joint Committee on Administrative Rules pursuant to the  
4 Illinois Administrative Procedure Act, a brief explanatory  
5 statement or note that shall include a reliable estimate of the  
6 anticipated impact. As used in this Act, "rule" and "agency"  
7 have the same meanings as in the Illinois Administrative  
8 Procedure Act.

9 (c) These statements or notes shall be known as business  
10 mandate notes.

11 Section 15. Preparation. The sponsor of each bill, or the  
12 agency proposing a rule, to which Section 10 applies, shall  
13 present a copy of the bill or proposed rule, with the request  
14 for a business mandate note, to the Department. The business  
15 mandate note shall be prepared by the Department and submitted  
16 to the sponsor of the bill or the agency within 5 calendar  
17 days, except that whenever, because of the complexity of the  
18 measure, additional time is required for the preparation of the  
19 business mandate note, the Department may inform the sponsor of  
20 the bill or the agency, and the sponsor or agency may approve  
21 an extension of the time within which the note is to be  
22 submitted, not to extend, however, beyond June 15, following  
23 the date of the request. The Department may seek assistance  
24 from a statewide organization representing the business  
25 community in the preparation of a business mandate note. If, in

1 the opinion of the Department, there is insufficient  
2 information to prepare a reliable estimate of the anticipated  
3 impact, a statement to that effect can be filed and shall meet  
4 the requirements of this Act.

5 Section 20. Vote on necessity of business mandate note.  
6 Whenever the sponsor of a bill is of the opinion that no  
7 business mandate note is required, any member of either house  
8 may request that a note be obtained, and in that case the  
9 applicability of this Act shall be decided by the majority of  
10 those present and voting in the house of which the sponsor is a  
11 member.

12 Section 25. Requisites and contents. The note shall be  
13 factual in nature, as brief and concise as may be, and shall  
14 provide a reliable estimate in dollars and, in addition, it  
15 shall include both the immediate effect and, if determinable or  
16 reasonably foreseeable, the long range effect of the measure.  
17 If, after careful investigation, it is determined that no  
18 dollar estimate is possible, the note shall contain a statement  
19 to that effect, setting forth the reasons why no dollar  
20 estimate can be given. A brief summary or work sheet of  
21 computations used in arriving at business mandate note figures  
22 shall be included.

23 Section 30. Comment or opinion; technical or mechanical

1 defects. No comment or opinion shall be included in the  
2 business mandate note with regard to the merits of the measure  
3 for which the business mandate note is prepared; however,  
4 technical or mechanical defects may be noted.

5 Section 35. Appearance of State officials and employees in  
6 support or opposition of measure. The fact that a business  
7 mandate note is prepared for a bill or proposed rule shall not  
8 preclude or restrict the appearance before a committee of the  
9 General Assembly, or before the Joint Committee on  
10 Administrative Rules, of any official or authorized employee of  
11 the Department who desires to be heard in support of or in  
12 opposition to the measure.

13 Section 40. Amendment of bill necessitating statement of  
14 fiscal effect of proposed amendment. Whenever a committee of  
15 either house reports a bill with an amendment that will  
16 substantially affect the figures stated in the business mandate  
17 note attached to the measure at the time of its referral to the  
18 committee, there shall be included with the report of the  
19 committee a statement of the effect of the change proposed by  
20 the amendment reported if desired by a majority of the  
21 committee. Whenever a bill is amended on the floor of either  
22 house to substantially affect the figures as stated in the  
23 business mandate note attached to the bill before the  
24 amendment, a majority of the members of that house may propose

1 that no action shall be taken on the amendment until the  
2 sponsor of the amendment presents to the members a statement of  
3 the business impact of the proposed amendment.

4 Section 45. Collection and maintenance of information  
5 concerning business mandates.

6 (a) The Department shall be responsible for:

7 (1) Collecting and maintaining information on business  
8 mandates, including information required for effective  
9 implementation of the provisions of this Act.

10 (2) Hearing complaints or suggestions from businesses  
11 and other affected organizations as to existing or proposed  
12 business mandates.

13 (3) Reporting each year to the Governor and the General  
14 Assembly regarding the administration of provisions of  
15 this Act and changes proposed to this Act.

16 The Legislative Research Unit shall conduct public  
17 hearings as needed to review the information collected and the  
18 recommendations made by the Department under this subsection  
19 (a). The Department shall cooperate fully with the Legislative  
20 Research Unit, providing any information, supporting  
21 documentation, and other assistance required by the  
22 Legislative Research Unit to facilitate the conduct of the  
23 hearing.

24 (b) Within 2 years following the effective date of this  
25 Act, the Department shall collect and tabulate relevant

1 information as to the nature and scope of each existing  
2 business mandate, including but not necessarily limited to (i)  
3 the identity of the types of business to which the mandate is  
4 directed; (ii) whether or not an identifiable direct cost is  
5 necessitated by the mandate and the estimated annual amount;  
6 (iii) the extent of State financial participation, if any, in  
7 meeting identifiable costs; (iv) the State agency, if any,  
8 charged with supervising the implementation of the mandate; and  
9 (v) a brief description of the mandate and a citation of its  
10 origin in statute or regulation.

11 (c) The resulting information from subsection (b) shall be  
12 published in a catalog available to members of the General  
13 Assembly, State and local officials, and interested citizens.  
14 As new mandates are enacted they shall be added to the catalog,  
15 and each January 31 the Department shall list each new mandate  
16 enacted at the preceding session of the General Assembly and  
17 the estimated additional identifiable direct costs, if any,  
18 imposed upon businesses. A revised version of the catalog shall  
19 be published every 2 years beginning with the publication date  
20 of the first catalog.

21 Section 99. Effective date. This Act takes effect upon  
22 becoming law.