



Rep. Kelly Burke

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09800HB5840ham001

LRB098 20302 RPM 57455 a

1 AMENDMENT TO HOUSE BILL 5840

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5840 by replacing  
3 everything after the enacting clause with the following:

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

1 may be reimbursable or nonreimbursable as provided in this Act.  
2 However, where the General Assembly enacts legislation to  
3 comply with a federal mandate, the State shall be exempt from  
4 the requirement of reimbursing for the cost of the mandated  
5 program.

6 (c) "Local government organization and structure mandate"  
7 means a State mandate concerning such matters as (1) the form  
8 of local government and the adoption and revision of statutes  
9 on the organization of local government; (2) the establishment  
10 of multi-county districts, councils of governments, or other  
11 forms and structures for interlocal cooperation and  
12 coordination; (3) the holding of local elections; (4) the  
13 designation of public officers, and their duties, powers and  
14 responsibilities; and (5) the prescription of administrative  
15 practices and procedures for local governing bodies.

16 (d) "Due process mandate" means a State mandate concerning  
17 such matters as the (1) administration of justice; (2)  
18 notification and conduct of public hearings; (3) procedures for  
19 administrative and judicial review of actions taken by local  
20 governing bodies and (4) protection of the public from  
21 malfeasance, misfeasance, or nonfeasance by local government  
22 officials.

23 (e) "Benefit spillover" means the process of accrual of  
24 social or other benefits from a governmental service to  
25 jurisdictions adjacent to or beyond the jurisdiction providing  
26 the service.

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

14           (g) "Tax exemption mandate" means a State mandate that  
15 exempts privately owned property or other specified items from  
16 the local tax base, such as (1) exemption of business  
17 inventories from the local property tax base, and (2) exemption  
18 of food or medicine from the local "sales" tax.

19           (h) "Personnel mandate" means a State mandate concerning or  
20 affecting local government (1) salaries and wages; (2) employee  
21 qualifications and training (except when any civil service  
22 commission, professional licensing board, or personnel board  
23 or agency established by State law sets and administers  
24 standards relative to merit-based recruitment or candidates  
25 for employment or conducts and grades examinations and rates  
26 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.)".