

SB0298



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB0298

Introduced 1/23/2013, by Sen. John J. Cullerton

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.

LRB098 04525 JWD 34553 b

A BILL FOR

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

1 of local government and the adoption and revision of statutes
2 on the organization of local government; (2) the establishment
3 of multi-county districts, councils of governments, or other
4 forms and structures for interlocal cooperation and
5 coordination; (3) the holding of local elections; (4) the
6 designation of public officers, and their duties, powers and
7 responsibilities; and (5) the prescription of administrative
8 practices and procedures for local governing bodies.

9 (d) "Due process mandate" means a State mandate concerning
10 such matters as the (1) administration of justice; (2)
11 notification and conduct of public hearings; (3) procedures for
12 administrative and judicial review of actions taken by local
13 governing bodies and (4) protection of the public from
14 malfeasance, misfeasance, or nonfeasance by local government
15 officials.

16 (e) "Benefit spillover" means the process of accrual of
17 social or other benefits from a governmental service to
18 jurisdictions adjacent to or beyond the jurisdiction providing
19 the service.

20 (f) "Service mandate" means a State mandate as to creation
21 or expansion of governmental services or delivery standards
22 therefor and those applicable to services having substantial
23 benefit spillover and consequently being wider than local
24 concern. For purposes of this Act, applicable services include
25 but are not limited to (1) elementary and secondary education,
26 (2) community colleges, (3) public health, (4) hospitals, (5)

1 public assistance, (6) air pollution control, (7) water
2 pollution control, (8) solid waste treatment and disposal. A
3 State mandate that expands the duties of a public official by
4 requiring the provision of additional services is a "service
5 mandate" rather than a "local government organization and
6 structure mandate".

7 (g) "Tax exemption mandate" means a State mandate that
8 exempts privately owned property or other specified items from
9 the local tax base, such as (1) exemption of business
10 inventories from the local property tax base, and (2) exemption
11 of food or medicine from the local "sales" tax.

12 (h) "Personnel mandate" means a State mandate concerning or
13 affecting local government (1) salaries and wages; (2) employee
14 qualifications and training (except when any civil service
15 commission, professional licensing board, or personnel board
16 or agency established by State law sets and administers
17 standards relative to merit-based recruitment or candidates
18 for employment or conducts and grades examinations and rates
19 candidates in order of their relative excellence for purposes
20 of making appointments or promotions to positions in the
21 competitive division of the classified service of the public
22 employer served by such commission, board, or agency); (3)
23 hours, location of employment, and other working conditions;
24 and (4) fringe benefits including insurance, health, medical
25 care, retirement and other benefits.

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