

99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HOUSE JOINT RESOLUTION

CONSTITUTIONAL AMENDMENT

HC0035

Introduced , by Rep. Jim Durkin

SYNOPSIS AS INTRODUCED:

ILCON Art. VII, Sec. 13 new

Proposes to amend the Local Government Article of the Illinois Constitution. Requires the State to reimburse units of local government for increased expenses resulting from activities mandated by the General Assembly or State executive action. Exempts mandates requested by a local government or predating the effective date. Makes unfunded mandates unenforceable unless passed by three-fifths of the members elected to each house of the General Assembly and specifically characterized as non-reimbursable. Effective upon being declared adopted.

LRB099 11445 JWD 32465 e

| 1 | HOUSE JOINT RESOLUTION |
|---|--------------------------|
| 2 | CONSTITUTIONAL AMENDMENT |

3 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE 4 5 SENATE CONCURRING HEREIN, That there shall be submitted to the 6 electors of the State for adoption or rejection at the general 7 election next occurring at least 6 months after the adoption of this resolution a proposition to add Section 13 to Article VII 8 of the Illinois Constitution as follows: 9

- 10 ARTICLE VII
- 11 LOCAL GOVERNMENT
- 12 (ILCON Art. VII, Sec. 13 new)
- 13 SECTION 13. UNFUNDED MANDATES

| 14 | (a) If the General Assembly or any State executive action |
|----|-----------------------------------------------------------------|
| 15 | requires a unit of local government to establish, expand, or |
| 16 | modify its activities in such a way as to necessitate |
| 17 | additional expenditures of revenue by the unit of local |
| 18 | government, then the State must provide funds to reimburse the |
| 19 | unit of local government for the costs necessary to carry out |
| 20 | the mandated requirement, except that the General Assembly may, |
| 21 | but need not, provide funds for the following mandates: |
| 22 | (1) legislatively mandated requirements requested by |
| 23 | the unit of local government affected; and |

-2- LRB099 11445 JWD 32465 e

| 1 | (2) legislatively mandated requirements that became |
|----|---------------------------------------------------------------|
| 2 | effective before the effective date of this Section or |
| 3 | State executive actions initially implementing legislation |
| 4 | that became effective before the effective date of this |
| 5 | Section. |
| 6 | (b) A mandated requirement that is not funded is not |
| 7 | enforceable while not funded unless the bill implementing the |
| 8 | mandated requirement passed with the concurrence of at least |
| 9 | three-fifths of the members elected to each house of the |
| 10 | General Assembly and specifically states that it is a |
| 11 | non-reimbursable mandate under this subsection. |

12

SCHEDULE

13 This Constitutional Amendment takes effect upon being 14 declared adopted in accordance with Section 7 of the Illinois 15 Constitutional Amendment Act.