

# SB0440



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

**SB0440**

Introduced 2/6/2009, 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.

LRB096 06472 RCE 16556 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.)