



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB1442

by Rep. Michelle Mussman

SYNOPSIS AS INTRODUCED:

New Act

Creates the Business Mandate Note Act. Provides that every bill and proposed rule the purpose or effect of which is to directly increase the cost of doing business in the State shall have prepared for it a brief explanatory statement or note that shall include a reliable estimate of certain anticipated impacts. Provides that the Department of Commerce and Economic Opportunity shall prepare the business mandate note. Effective immediately.

LRB098 07973 JDS 38062 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 "Agency" has the meaning established in Section 1-20 of the
8 Illinois Administrative Procedure Act.

9 "Department" means the Department of Commerce and Economic
10 Opportunity.

11 "Rule" has the meaning established in Section 1-70 of the
12 Illinois Administrative Procedure Act.

13 Section 10. Applicability.

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

20 (b) Every proposed rule of an agency, the purpose or effect
21 of which is to directly increase the cost of doing business in
22 the State shall have prepared for it, before approval by the

1 Joint Committee on Administrative Rules pursuant to the
2 Illinois Administrative Procedure Act, a brief explanatory
3 statement or note that shall include a reliable estimate of the
4 anticipated impact.

5 (c) These statements or notes shall be known as business
6 mandate notes.

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

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

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

19 Section 30. Comment or opinion; technical or mechanical
20 defects. No comment or opinion shall be included in the
21 business mandate note with regard to the merits of the measure
22 for which the business mandate note is prepared; however,
23 technical or mechanical defects may be noted.

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

9 Section 40. Amendment of bill necessitating statement of
10 fiscal effect of proposed amendment. Whenever a committee of
11 either house reports a bill with an amendment that will
12 substantially affect the figures stated in the business mandate
13 note attached to the measure at the time of its referral to the
14 committee, there shall be included with the report of the
15 committee a statement of the effect of the change proposed by
16 the amendment reported if desired by a majority of the
17 committee. Whenever a bill is amended on the floor of either
18 house to substantially affect the figures as stated in the
19 business mandate note attached to the bill before the
20 amendment, a majority of the members of that house may propose
21 that no action shall be taken on the amendment until the
22 sponsor of the amendment presents to the members a statement of
23 the business impact of the proposed amendment.

1 Section 50. Relation to Illinois Administrative Procedure
2 Act. Nothing in this Act shall be construed to conflict with
3 the Illinois Administrative Procedure Act.

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.