

1 AN ACT concerning State mandates.

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. Definitions ~~Definition~~. As used in this Act:

8 (a) "Local government" means a municipality, county,  
9 township, other unit of local government, school district, or  
10 community college district.

11 (b) "State mandate" means any State-initiated statutory  
12 or executive action that requires a local government to  
13 establish, expand or modify its activities in such a way as  
14 to 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  
18 Act. However, where the General Assembly enacts legislation  
19 to comply with a federal mandate, the State shall be exempt  
20 from the requirement of reimbursing for the cost of the  
21 mandated program.

22 (c) "Local government organization and structure  
23 mandate" means a State mandate concerning such matters as (1)  
24 the form of local government and the adoption and revision of  
25 statutes on the organization of local government; (2) the  
26 establishment of multi-county districts, councils of  
27 governments, or other forms and structures for interlocal  
28 cooperation and coordination; (3) the holding of local  
29 elections; (4) the designation of public officers, and their  
30 duties, powers and responsibilities; and (5) the prescription  
31 of administrative practices and procedures for local

1 governing bodies.

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

9 (e) "Benefit spillover" means the process of accrual of  
10 social or other benefits from a governmental service to  
11 jurisdictions adjacent to or beyond the jurisdiction  
12 providing the service.

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

26 (g) "Tax exemption mandate" means a State mandate that  
27 exempts privately owned property or other specified items  
28 from the local tax base, such as (1) exemption of business  
29 inventories from the local property tax base, and (2)  
30 exemption of food or medicine from the local "sales" tax.

31 (h) "Personnel mandate" means a State mandate concerning  
32 or affecting local government (1) salaries and wages; (2)  
33 employee qualifications and training (except when any civil  
34 service commission, professional licensing board, or

1 personnel board or agency established by State law sets and  
2 administers standards relative to merit-based recruitment or  
3 candidates for employment or conducts and grades examinations  
4 and rates candidates in order of their relative excellence  
5 for purposes of making appointments or promotions to  
6 positions in the competitive division of the classified  
7 service of the public employer served by such commission,  
8 board, or agency); (3) hours, location of employment, and  
9 other working conditions; and (4) fringe benefits including  
10 insurance, health, medical care, retirement and other  
11 benefits.

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