



Illinois Department of Commerce & Economic Opportunity

Pat Quinn, Governor

2013 STATE MANDATES CATALOG UPDATE EXECUTIVE SUMMARY

This document satisfies the State Mandate Act's requirement upon the Department of Commerce and Economic Opportunity (DCEO) to provide an annual Update of State Mandates. The Illinois State Mandates Act (30 ILCS 805) became effective January 1, 1981. The State Mandates Act was created in response to a nationwide effort to slow requirements that increase local government costs without providing the means to pay for them. The statute defines a State Mandate as "any State-initiated statutory or executive action that requires a local government to establish, expand, or modify its activities in such a way as to necessitate additional expenditures from local revenue." There are five types of mandates:

Local Government Organization and Structure Mandates - This refers to actions relating to (1) the form of local government and the adoption and revision of statutes on the reorganization of local government; (2) the establishment of multi-county districts or councils of government; (3) the holding of local elections; (4) the designation of public officers, and their duties, powers, and responsibilities; and (5) the prescription of administrative practices and procedures for local governing bodies.

Due Process Mandates - These concern such matters as (1) administrative of justice; (2) notification and conduct of public hearings; (3) procedures for administrative and judicial review of actions taken by local governing bodies; and (4) protection of the public from malfeasance, misfeasance, or nonfeasance by local government officials.

Service Mandates - These mandates pertain to the creation or expansion of governmental services or delivery standards, such as (1) elementary and secondary education; (2) community colleges; (3) public health; (4) hospitals; (5) public assistance; (6) air pollution control; (7) water pollution control; and (8) solid waste treatment and disposal.

Tax Exemption Mandates - Mandates of this type exempt private property or other specified items from the local tax base.

Personnel Mandates - This category of mandates affect local government (1) salaries and wages; (2) employee qualifications and training; (3) hours, location of employment, and other working conditions; and (4) fringe benefits, including insurance, health, medical care, retirement, and other benefits.

State reimbursement of 100% of the increased cost to local governments due to the imposition of Personnel and Tax Exemption Mandates is required under the Act. Reimbursement of 50% to 100% is required for the cost of Service Mandates, and no reimbursement is required due to the imposition of Local Government Organization and Structure Mandates or Due Process Mandates.

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The State Mandates Act identifies five situations in which reimbursement is not required. The five exclusions are for situations where a mandate (1) accommodates a request from local governments or organizations thereof; (2) imposes additional duties of a nature which can be carried out by existing staff and procedures at no appreciable net cost increase; (3) creates additional costs, but also provides offsetting savings; (4) imposes a cost that is wholly or largely recovered from federal, State, or other external financial aid, or (5) imposes additional net costs of less than \$1,000 for each of the local governments affected, or less than \$50,000 in the aggregate, for all local governments affected. The type of exclusion must be explicitly stated in the bill creating the mandate.

DCEO, the Illinois State Board of Education, and the Illinois Community College Board are all assigned responsibilities under the State Mandates Act. One of the requirements imposed on DCEO is the preparation of a catalog of State Mandates on units of local government (except school districts and community college districts). Under the statute, DCEO presents an edition of the State Mandates Catalog every two years.

During those years in which the Catalog is not published, DCEO is required to present an Update concerning those public acts that have recently created mandates. The 2013 Update has been compiled as a source of information for members of the Illinois General Assembly and local officials. Besides presenting a brief analysis/description of each mandate, the Update identifies the type of mandate, the type of local government affected, statute, public act, and supervising State agency (if any).

The 2013 Update contains 8 mandates in the following categories:

- 1 Local Government Organization and Structure mandate
- 1 Due Process Mandates
- 1 Service mandates
- 1 Tax Exemption mandate
- 5 Personnel mandates

Comments and inquiries regarding the Update and DCEO's duties under the State Mandates Act are welcome and should be directed to the following:

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Non-Reimbursable

Type of Government: All Governments
Subject: Local Gov-Public Notice
Type of Mandate: Due Process Mandate
Statute: 50 ILCS 510/4
Public Act: 98-0420
Bill Number: HB 2488
Supervising Agency: None
Effective Date: 08/16/2013
Description/Analysis: Amends the Local Government Professional Services Selection Act. Provides that whenever a project requiring architectural, engineering, or land surveying services is proposed for a political subdivision, the political subdivision shall mail or e-mail a notice requesting a statement of interest. Further provides that the political subdivision shall place an advertisement for those professional services on its website requesting a statement of interest, include a description of each project, and state the time and place for interested firms to submit its letter of interest, statement of qualifications, and performance data, as required. Effective immediately.
Cost: An estimate of the amount incurred by units of local government for implementation of this mandate is not available.
Methodology: N/A
Reimbursement: No reimbursement is required due to the imposition of Due Process Mandate.
GA Exemptions: No reimbursement is required under this Act.
Exclusions: No exclusions

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Non-Reimbursable

Type of Government: All Governments

Subject: Omnibus Election Legislation

Type of Mandate: Local Government Organization and Structure Mandate

Statute: 10 ILCS 5/10-1, 10 ILCS 5/10-6, 105 ILCS 5/10-10

Public Act: 98-0115

Bill Number: HB 2418

Supervising Agency: None

Effective Date: 07/29/2013

Description/Analysis: Amends the Election Code. Requires each election authority to conduct early voting at a high traffic location on the campus of a public university Provides that certain registration materials must contain the applicant's e-mail address. Provides for the establishment of a county board of election commissioners in certain counties. Contains provisions concerning existing municipal boards of election commissioners in those counties. Provides that 2 or more nomination petitions filed within the last hour of the filing deadline shall be deemed to have been filed simultaneously. Makes changes to the contribution requirements for an organization to be considered a candidate political committee, a political action committee, or a ballot initiative committee. Makes changes concerning self-funding a contribution limits. Provides that nominees for the Office of Lieutenant Governor shall be appointed by the nominee for the Office of Governor. Amends the Counties Code. Provides that qualifications for the office of sheriff do not apply to candidates for that office. Amends the Illinois Municipal Code, the Revised Cities and Villages Act of 1941, and the Fox Waterway Agency Act. Makes changes concerning petitions. Amends the School Code. In a single county region with a population of greater than 750,000 inhabitants, but less than 1,200,000 inhabitants, allows 2 regional board of school trustees to be residents of the same congressional township if and only if such trustees were elected at the April 9, 2013 consolidated election. Provides that the provision requiring any vacancy on the regional board of school trustees to be filled from the same territory by the remaining members until the next regular election for members is subject to specified residency provisions. Makes changes concerning nomination petitions for school board members

Cost: An estimate of the amount incurred by units of local government for implementation of this mandate is not available.

Methodology: N/A

Reimbursement: No reimbursement is required due to the imposition of Local Government Organization and Structure Mandates.

GA Exemptions: No reimbursement is required under this Act.

Exclusions: No exclusions

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Reimbursable

Type of Government: All Governments
Subject: Pollution Control Facilities Exemption
Type of Mandate: Service Mandate
Statute: 415 ILCS 5/3.330
Public Act: 98-0146
Bill Number: SB 0850
Supervising Agency: None
Effective Date: 01/01/2014
Description/Analysis: Amends the Environmental Protection Act. For a limited time, exempts from the definition of the term "pollution control facility" (and associated local siting approval requirements) the portion of a site or facility (i) that is used exclusively for the transfer of commingled landscape waste and food scrap held at the site or facility for no longer than 24 hours, (ii) that is located in a home rule unit of a particular size, (iii) that is permitted by the Environmental Protection Agency, prior to January 1, 2002, for the transfer of landscape waste, and (iv) for which a permit application is submitted to the Agency within 6 months after the effective date of the amendatory Act to modify an existing permit for the transfer of landscape waste to also include, on a demonstration basis not to exceed 18 months, the transfer of commingled waste and food scrap.
Cost: An estimate of the amount incurred by units of local government for implementation of this mandate is not available.
Methodology: N/A
Reimbursement: State reimbursement of 100% of the increased cost to local governments due to the imposition of Service Mandate is required.
GA Exemptions: No reimbursement is required under this Act.
Exclusions: No exclusions

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Reimbursable

Type of Government: All Governments
Subject: MABAS Tax Exemption
Type of Mandate: Tax Exemption Mandate
Statute: 35 ILCS 200/15-60
Public Act: 98-0206
Bill Number: HB 1206
Supervising Agency: None
Effective Date: 01/01/2014
Description/Analysis: This bill exempts all property owned by the Executive Board of the Mutual Aid Box Alarm System that is used for the public purpose of disaster preparedness and response is exempt from property taxes.
Cost: An estimate of the amount incurred by units of local government for implementation of this mandate is not available.
Methodology: N/A
Reimbursement: State reimbursement of 100% of the increased cost to local governments due to the imposition of Tax Exemption Mandate is required.
GA Exemptions: No reimbursement is required under this Act.
Exclusions: No exclusions

Reimbursable

Type of Government: Municipalities
Subject: IMRF Return to Service
Type of Mandate: Personnel Mandate
Statute: 40 ILCS 5/7-144, 30 ILCS 805/8.37 new
Public Act: 98-0389
Bill Number: HB 1351
Supervising Agency: None
Effective Date: 08/16/2013
Description/Analysis: This legislation amends the Illinois Municipal Retirement Fund (IMRF) Article of the Illinois Pension Code to provide that an annuitant shall be considered a participating employee if he or she returns to work as an employee with a participating employer and works more than 599 hours annually (or 999 hours annually with a participating employer that has adopted a resolution excluding from participation in IMRF any person

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	employed in a position normally requiring performance of duty for less than 1000 hours per year).
Cost:	An estimate of the amount incurred by units of local government for implementation of this mandate is not available.
Methodology:	N/A
Reimbursement:	State reimbursement of 100% of the increased cost to local governments due to the imposition of Personnel Mandates is required.
GA Exemptions:	No reimbursement is required under this Act.
Exclusions:	No exclusions

Reimbursable

Type of Government:	Municipalities
Subject:	IMRF Transferred Credit
Type of Mandate:	Personnel Mandate
Statute:	40 ILCS 5/7-139
Public Act:	98-0439
Bill Number:	HB 2656
Supervising Agency:	None
Effective Date:	08/16/2013
Description/Analysis:	This legislation amends the Illinois Municipal Retirement Fund (IMRF) Article of the Illinois Pension Code to provide that, for service transferred from a downstate police pension fund under a specific provision, credits and creditable service shall be granted upon transfer of those credits to IMRF. The bill specifies that if the board determines that the amount transferred is less than the true cost to the Fund of allowing that creditable service to be established, then in order to establish that creditable service, the member must pay to the Fund an additional contribution equal to the difference or have their service credit reduced accordingly.
Cost:	An estimate of the amount incurred by units of local government for implementation of this mandate is not available.
Methodology:	N/A
Reimbursement:	State reimbursement of 100% of the increased cost to local governments due to the imposition of Personnel Mandates is required.
GA Exemptions:	No reimbursement is required under this Act.
Exclusions:	No exclusions

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Type of Government: All Governments
Subject: Workplace Violence Prevention
Type of Mandate: Personnel Mandate
Statute: New Act
Public Act: 98-0430
Bill Number: HB 2590
Supervising Agency: None
Effective Date: 01/01/2014
Description/Analysis: This legislation creates the Workplace Violence Prevention Act and identifies the conditions under which an employer may seek an order of protection to prohibit further violence or threats of violence by an employee.
Cost: An estimate of the amount incurred by units of local government for implementation of this mandate is not available.
Methodology: N/A
Reimbursement: State reimbursement of 100% of the increased cost to local governments due to the imposition of Personnel Mandates is required.
GA Exemptions: No reimbursement is required under this Act.
Exclusions: No exclusions

Reimbursable

Type of Government: Counties, Municipalities
Subject: Muni-Veteran Qualification
Type of Mandate: Personnel Mandate
Statute: 65 ILCS 5/10-2.1-6
Public Act: 98-0510
Bill Number: SB 1908
Supervising Agency: None
Effective Date: 08/19/2013
Description/Analysis: This legislation provides that a waiver may be provided for applicants seeking employment as a police officer if the applicants possess qualifying military experience in lieu of the necessary college requirements.
Cost: An estimate of the amount incurred by units of local government for implementation of this mandate is not available.
Methodology: N/A
Reimbursement: State reimbursement of 100% of the increased cost to local governments due

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GA Exemptions: to the imposition of Personnel Mandates is required.
Exclusions: No reimbursement is required under this Act.
No exclusions

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