

STATE MANDATES CATALOG UPDATE  
2008  
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.

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. The last edition of the Catalog was made available in 2005, and the next edition will be available in 2009. The 2007 edition is available on the Department's website at this address:

<http://www.illinoisbiz.biz>

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 2008 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 2008 Update contains 10 mandates in the following categories:

- 2 Local Government Organization and Structure mandates
- 1 Due Process mandate
- 2 Service mandates
- 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:

Department of Commerce and Economic Opportunity  
Office of Legislative Affairs  
620 East Adams Street  
Springfield, Illinois 62701  
Ph. (217) 785-6315

## **STATE MANDATES NOTE**

### **Public Act**

95-0875

### **Bill Number**

HB 5586

### **Statute(s)**

55 ILCS 5/3-5047 new

30 ILCS 805/8.32 new

### **Type of Mandate**

Local Government Organization and Structure

### **Synopsis of Public Act**

P.A. 95-0875 amends the Counties Code. The public act requires county recorders to remove certain personal information from any website that displays public records and that they must submit a written policy to their respective county boards.

### **Supervising Agency**

P.A. 95-0875 does not designate a supervising agency.

### **Effective Date**

P.A. 95-0875 becomes effective January 1, 2009.

### **Analysis**

Under Section 3(c) of the State Mandates Act, a *local government organization and structure mandate* concerns such matters as the prescription of administrative practices and procedures for local governing bodies.

Upon request by any person, the county recorder must remove certain personal information from any website maintained by the recorder or used by the recorder to display public records. All county recorders that use an Internet website to publicly display records must submit a written policy to their respective county boards for the redaction of social security numbers within 12 months after the effective date of the amendatory Act. County recorders that launch websites after the effective date of the amendatory Act must develop and implement policies providing for the removal of social security numbers from records prior to public display.

Therefore, in the opinion of DCEO, P.A. 95-0875 creates a *local government organization and structure mandate* for which reimbursement of the increased costs to units of local government is not required under the State Mandates Act.

**Cost & Methodology**

An estimate of the amount incurred by units of local government for implementation of this mandate is not available. It is anticipated that this mandate will not incur a significant cost of units of local government and will be administered with existing resources.

## **STATE MANDATES NOTE**

### **Public Act**

95-0950

### **Bill Number**

HB 5088

### **Statute(s)**

30 ILCS 105/8.12, 40 ILCS 5/2-124, 40 ILCS 5/14-131, 40 ILCS 5/15-155, 40 ILCS 5/16-158, 40 ILCS 5/18-131, 40 ILCS 15/1, 765 ILCS 1025/18, 20 ILCS 2105/2105-300, 25 ILCS 55/3, 30 ILCS 105/8f, 40 ILCS 5/1-110, 40 ILCS 5/1-113.5, 40 ILCS 5/1-125 new, 40 ILCS 5/1A-104, 40 ILCS 5/3-141.1 new, 40 ILCS 5/3-143, 40 ILCS 5/3-144.5 new, 40 ILCS 5/4-134, 40 ILCS 5/4-138.5 new, 40 ILCS 5/22-1004 new, 30 ILCS 805/8.32 new

### **Type of Mandate**

Local Government Organization and Structure

### **Synopsis of Public Act**

P.A. 95-0950 amends the Downstate Police Article by adding provisions concerning the award of benefits and provides for annual reports to be submitted by the pension boards.

### **Supervising Agency**

P.A. 95-0950 does not designate a supervising agency.

### **Effective Date**

P.A. 95-0950 became effective August 29, 2008.

### **Analysis**

Under Section 3(h) of the State Mandates Act, a *local government organization and structure mandate* refers to actions relating to the prescription of administrative practices and procedures for local governing bodies.

P.A. 95-0950 requires that the pension board must report annually to the city council or board of trustees of the municipality on the condition of the pension fund at the end of its most recently completed fiscal year. The report shall be made prior to the council or board meeting held for the levying of taxes for the year for which the report is made. The pension board must certify and provide specific information to the city council or board of trustees of the municipality. Furthermore, the municipality is authorized to publish the submitted report. This publication may be made, without limitation, by publication in a local newspaper of general circulation in the

municipality or by publication on the municipality's Internet website. The published report must include all of the information submitted by the pension board.

In addition, prior to the board's determination of benefits, the board shall provide, in writing, the total amount of the annuity for a member and all information used in the calculation of that benefit to the Treasurer of the municipality. If the Treasurer is of the opinion that the calculated annuity is incorrect, the Treasurer shall immediately notify the board. The board shall review the Treasurer's findings, and if the board concurs that an error exists it shall re-determine the annuity so that it is calculated in accordance with the Illinois Pension Code.

Therefore, in the opinion of DCEO, P.A. 95-0950 creates a *local government organization and structure mandate* for which reimbursement of the increased costs to units of local government is not required under the State Mandates Act.

### **Cost & Methodology**

An estimate of the increased cost to units of local government for implementation of this mandate is not available. No reimbursement by the State is required.

## STATE MANDATES NOTE

### Public Act

95-0194

### Bill Number

HB 0236

### Statute(s)

55 ILCS 75/1, 55 ILCS 75/3, 55 ILCS 75/9.1, 30 ILCS 805/8.31 new, 55 ILCS 75/9.2 new

### Type of Mandate

Due Process

### Synopsis of Public Act

P.A. 95-0194 amends the County Shelter Care and Detention Home Act. It continues the use of the Cook County Juvenile Temporary Detention Center or of any other shelter care home or detention home in existence or in use, and provides that the Chief Judge of the Cook County Circuit Court, or any Judge of that Circuit designated by the Chief Judge, shall serve as the appointer of an administrator.

### Supervising Agency

P.A. 95-0194 designates the Cook County Circuit Court as the supervising agency.

### Effective Date

P.A. 95-0194 became effective January 1, 2008

### Analysis

Under Section 3(d) of the State Mandates Act, a *due process mandate* concerns matters such as administration of justice, and procedures for administrative and judicial review of actions taken by local governing bodies.

P.A. 95-0194 provides that Cook County is not required to discontinue the use of the Cook County Juvenile Temporary Detention Center or of any other shelter care home or detention home in existence or in use on the effective date of the amendatory Act because of the fact that the proposition to establish and maintain it was not submitted to the voters. The Chief Judge of the Cook County Circuit Court, or any Judge of that Circuit designated by the Chief Judge, shall appoint an administrator to serve as the Superintendent of the Cook County Temporary Juvenile

Detention Center. Furthermore, the Chief Judge of the Cook County Circuit Court, or any Judge of that Circuit designated by the Chief Judge, shall have administrative control over the budget of shelter care homes in Cook County, subject to the approval of the Cook County Board.

Therefore, in the opinion of DCEO, P.A. 95-0194 creates a *due process mandate* for which no reimbursement by the State is required for implementation.

### **Cost & Methodology**

P.A. 9-0194 does not require reimbursement by the State for implementation of this mandate. The supplies or repairs necessary to maintain, operate, and conduct the shelter care home and the detention home shall be furnished upon the requisition of its administrator to the chairman of a committee as may be designated by the county board, however in Cook County the administrator shall submit such requisitions to the County Board and Office of the Purchasing Agent in accordance with the ordinances established by the Cook County Board. Those bills shall be audited, passed upon and paid as other bills for supplies furnished for county institutions. The exact cost, however, is unable to be determined.

## **STATE MANDATES NOTE**

### **Public Act**

95 - 0017

### **Bill Number**

SB 0500

### **Statute(s)**

New Act

30 ILCS 805/8.31 new

410 ILCS 80/Act rep.

### **Type of Mandate**

Service

### **Synopsis of Public Act**

P.A. 95-0017 creates the Smoke Free Illinois Act. It prohibits smoking in public places, places of employment, and governmental vehicles; requires "No Smoking" signs to be posted in each public place and place of employment where smoking is prohibited; requires ashtrays to be removed from any area where smoking is prohibited; and prohibits smoking in student dormitories. A home rule unit may regulate smoking in public places, but that regulation must be no less restrictive than the provisions in the Act. Lastly, it prohibits smoking within a minimum distance of 15 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited.

### **Supervising Agency**

P.A. 95-0017 designates the Department of Public Health, State-certified local public health departments, and local law enforcement agencies as supervising agencies.

### **Effective Date**

P.A. 95-0017 became effective January 1, 2008.

### **Analysis**

Under section 3(f) of the State Mandates Act, a *service mandate* concerns the creation or expansion of governmental services or delivery standards, such as matters regarding public health.

P.A. 95-0017 requires "No Smoking" signs to be posted in each public place and place of employment where smoking is prohibited; prohibits smoking in public places, student dormitories, places of employment, and governmental vehicles; requires ashtrays to be removed from any area where smoking is prohibited; and prohibits smoking within a minimum distance of 15 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited.

Therefore, in the opinion of DCEO, P.A. 95-0017 creates a *service mandate* for which reimbursement of 50%-100% of the increased costs to units of local government is required under the States Mandates Act. However, the public act contains language stating that its provisions do not require reimbursement by the State.

### **Cost & Methodology**

An estimate of the amount incurred by units of local government for implementation of this mandate is not available. However the implementation of P.A. 93-981 would not require a significant increase in local government funding given that the key requirements of local businesses are the posting of non-smoking signs and removal of ashtrays. These requirements, among others stated in P.A. 93-981, do not call for an increase in local government funding.

## **STATE MANDATES NOTE**

### **Public Act**

95-0564

### **Bill Number**

SB 0940

### **Statute(s)**

430 ILCS 65/3.1

740 ILCS 110/12

### **Type of Mandate**

Service

### **Synopsis of Public Act**

P.A. 95-0564 amends the Firearm Owners Identification Card Act, providing for the Department of State Police and the Department of Human Services to enter into a memorandum of understanding with the Federal Bureau of Investigation for the purpose of implementing the National Instant Criminal Background Check System in the State. Next, it amends the Mental Health and Developmental Disabilities Confidentiality Act and sets responsibilities for public hospitals and mental health facilities.

### **Supervising Agency**

P.A. 95-0564 designates the Department of State Police as the supervising agency.

### **Effective Date**

P.A. 95-0564 became effective June 1, 2008.

### **Analysis**

Under Section 3(f) of the State Mandates Act, a *service mandate* pertains to the creation or expansion of governmental services or delivery standards, such as public assistance.

P.A. 95-0564 amends the Firearm Owners Identification Card Act, providing for the Department of State Police and the Department of Human Services to enter into a memorandum of understanding with the Federal Bureau of Investigation for the purpose of implementing the National Instant Criminal Background Check System in the State and requiring the Department of State Police to report personal information pertaining to those who are not allowed to be in possession of a weapon. Because of this amendment, the Mental Health and Developmental

Disabilities Confidentiality Act is amended, which requires that public hospitals and mental health facilities furnish to the Department of State Police such information that may be required for the sole purpose of determining whether an individual is disqualified from receiving or retaining a Firearm Owner's Identification Card.

Therefore, P.A. 95-0564 creates a *service mandate* that requires State reimbursement of 50%-100% of the increased costs to units of local government.

### **Cost & Methodology**

An estimate of the amount incurred by units of local government for implementation of this mandate is not available. But P.A. 95-0564 would require an additional \$100,000 in appropriations to the Department of State Police to allow programming changes to the Firearms Owners Identification System and Criminal History Records Information System to comply with this legislation, and the fiscal impact to the Illinois State Police would be approximately \$100,000.

## **STATE MANDATES NOTE**

### **Public Act**

95-0654

### **Bill Number**

HB 3578

### **Statute(s)**

40 ILCS 5/9-121.6

30 ILCS 805/8.31 new

### **Type of Mandate**

Personnel

### **Synopsis of Public Act**

P.A. 95-0654 amends the Cook County Article of the Illinois Pension Code. It provides that the plan of optional alternative benefits and contributions for Cook County officers elected by vote of the people applies to all county officers elected by vote of the people on or before the effective date of the amendatory Act.

### **Supervising Agency**

P.A. 95-0654 designates the Cook County Board as the supervising agency.

### **Effective Date**

P.A. 95-0654 became effective January 1, 2008.

### **Analysis**

Under Section 3(h) of the State Mandates Act, a *personnel mandate* affects local government benefits, including insurance, health, medical care, retirement, and other benefits.

The plan of optional alternative benefits and contributions for Cook County officers elected by vote of the people applies to all county officers elected by vote of the people on or before the effective date of the amendatory Act.

Therefore, in the opinion of DCEO, P.A. 95-0654 creates a *personnel mandate* for which reimbursement of 100% of the increased costs to units of local government is required under the State Mandates Act. However, the Act states that no reimbursement by the State is required for implementation.

### **Cost & Methodology**

P.A. 95-0654 does not require reimbursement by the State for the implementation of this mandate. An estimate of the increased costs to units of local government is not available at this time but the cost, if any, is expected to be minimal.

## **STATE MANDATES NOTE**

### **Public Act**

95-0279

### **Bill Number**

HB 0049

### **Statute(s)**

40 ILCS 5/1-104.3 new, 40 ILCS 5/2-121, 40 ILCS 5/3-108, 40 ILCS 5/4-114, 40 ILCS 5/4-115.1, 40 ILCS 5/5-152, 40 ILCS 5/6-148, 40 ILCS 5/6-151, 40 ILCS 5/7-145.2, 40 ILCS 5/7-160, 40 ILCS 5/8-120, 40 ILCS 5/8-243.3, 40 ILCS 5/9-115, 40 ILCS 5/9-121.7, 40 ILCS 5/11-153, 40 ILCS 5/12-137, 40 ILCS 5/13-308, 40 ILCS 5/13-314, 40 ILCS 5/14-119, 40 ILCS 5/14-120, 40 ILCS 5/14-128, 40 ILCS 5/15-129, 40 ILCS 5/18-128, 40 ILCS 5/19-115, 30 ILCS 805/8.31 new

### **Type of Mandate**

Personnel

### **Synopsis of Public Act**

P.A. 95-0279 amends the Illinois Pension Code. It makes changes concerning equal benefits to adopted children, and includes language exempting any benefit increase as a result from the new benefit increase provisions in the General Assembly, State Employees, State Universities, and Judges Articles of the Code. It removes provisions exempting the changes from new benefit increase provisions in the Articles of the Illinois Pension Code concerning the State-funded retirement systems. P.A. 95-0279 amends the State Mandates Act to require implementation without reimbursement.

### **Supervising Agency**

P.A. 95-0279 does not designate a supervising agency.

### **Effective Date**

P.A. 95-0279 became effective January 1, 2008.

### **Analysis**

Under Section 3(h) of the States Mandate Act, a *personnel mandate* affects local government benefits, including insurance, health, medical care, retirement, and other benefits.

P.A. 95-0279 provides that beginning on the effective date of this Act, legally adopted children shall be entitled to the same benefits as other children, and no child's or survivor's benefit shall

be disallowed because the child is an adopted child. These provisions apply without regard to whether the employee or member was in service on or after the date of the adoption of the child. Furthermore, it exempts any benefit increase that results from the new benefit increase provisions in the General Assembly, State Employees, State Universities, and Judges Articles of the Code.

Therefore, in the opinion of DCEO, P.A. 95-0279 creates a *personnel mandate* for which reimbursement of 100% of the increased costs to units of local government is required under the State Mandates Act. However, the Act states that no reimbursement by the State is required for implementation.

### **Cost & Methodology**

An estimate of the increased cost to units of local government for implementation of this mandate is not available. Though the fiscal impact of P.A. 95-0279 cannot yet be determined, it is expected to be minor. No reimbursement by the State is required for the implementation of P.A. 95-0279.

## **STATE MANDATES NOTE**

### **Public Act**

95-0812

### **Bill Number**

HB 4603

### **Statute(s)**

40 ILCS 5/7-139

30 ILCS 805/8.32 new

40 ILCS 5/3-110

### **Type of Mandate**

Personnel

### **Synopsis of Public Act**

P.A. 95-0812 amends the Downstate Police and Illinois Municipal Retirement Fund Articles of the Illinois Pension Code. The public act specifies the conditions under which a police officer may establish additional credit.

### **Supervising Agency**

P.A. 95-0812 does not designate a supervising agency.

### **Effective Date**

P.A. 95-0812 became effective August 13, 2008.

### **Analysis**

Under Section 3(h) of the State Mandates Act, a *personnel mandate* affects salaries and wages.

P.A. 95-0812 provides that, until January 1, 2010, a police officer who transferred service from the Illinois Municipal Retirement Fund or a member of IMRF who transferred service from a pension fund under the Downstate Police Article of the Code under the provisions of P.A.94-356 may establish additional credit, but only for the amount of the service credit reduction in that transfer.

Therefore, in the opinion of DCEO, P.A. 95-0812 creates a *personnel mandate* for which reimbursement of 100% of the increased costs to units of local government is required under the State Mandates Act. However, the Act states that no reimbursement by the State is required.

### **Cost & Methodology**

An estimate of the increased cost to units of local government for implementation of this mandate is not available. P.A. 95-0812 does not require reimbursement by the State.

## **STATE MANDATES NOTE**

### **Public Act**

95-0910

### **Bill Number**

HB 4536

### **Statute(s)**

40 ILCS 5/16-150.1

40 ILCS 5/16-203

30 ILCS 805/8.32 new

### **Type of Mandate**

Personnel

### **Synopsis of Public Act**

P.A. 95-0910 amends the Downstate Teacher Article of the Illinois Pension Code. It removes the ending date for "eligible employment". It also includes language exempting the changes from provisions concerning new benefit increases.

### **Supervising Agency**

P.A. 95-0910 does not designate a supervising agency.

### **Effective Date**

P.A. 95-0910 became effective August 26, 2008.

### **Analysis**

Under Section 3(h) of the State Mandates Act, a *personnel mandate* affects local government fringe benefits, including insurance, health, medical care, retirement, and other benefits.

P.A. 95-0910 removes the June 30, 2008 ending date in current provisions defining "eligible employment" for the purpose of allowing teachers to return to teaching in subject shortage areas without impairing his or her retirement status or retirement annuity. It also exempts the changes from provisions concerning new benefit increases.

Therefore, in the opinion of DCEO, P.A. 95-0190 creates a *personnel mandate* for which reimbursement of 100% of the increases costs to units of local government is required under the State Mandates Act. However, the Act states that no reimbursement by the State is required.

### **Cost & Methodology**

An estimate of the amount incurred by units of local government for implementation of this mandate is not available. No reimbursement by the State is required.

## **STATE MANDATES NOTE**

### **Public Act**

95-0978

### **Bill Number**

HB 4602

### **Statute(s)**

5 ILCS 375/6.11, 55 ILCS 5/5-1069.3, 65 ILCS 5/10-4-2.3, 105 ILCS 5/10-22.3f, 215 ILCS 5/356z.11 new, 215 ILCS 125/5-3, 215 ILCS 165/10, 30 ILCS 805/8.32 new, 215 ILCS 5/367F

### **Type of Mandate**

Personnel

### **Synopsis of Public Act**

P.A. 95-0978 amends the State Employees Group Insurance Act of 1971, the Counties Code, the Illinois Municipal Code, the School Code, the Illinois Insurance Code, the Health Maintenance Organization Act, and the Voluntary Health Services Plans Act. It provides coverage for a federally approved shingles vaccine and requires coverage for a vaccine for shingles that is approved for marketing by the federal Food and Drug Administration if the vaccine is ordered by a physician licensed to practice medicine in all its branches and the enrollee is 60 years of age or older.

### **Supervising Agency**

P.A. 95-0978 designates the Department of Financial and Professional Regulation as the supervising agency.

### **Effective Date**

P.A. 95-0978 becomes effective January 1, 2009.

### **Analysis**

Under Section 3(h) of the State Mandates Act, a *personnel mandate* affects local government fringe benefits, including insurance, health, medical care, retirement, and other benefits.

P.A. 95-0978 requires coverage for shingles vaccine that is approved for marketing by the federal FDA if the vaccine is ordered by a physician licensed to practice medicine in all its branches and the enrollee is 60 years of age or older.

Therefore, in the opinion of DCEO, P.A. 95-0978 creates a *personnel mandate* for which reimbursement of 100% of the increased costs to units of local government is required under the

State Mandates Act. However, the public act contains language stating its provisions do not require reimbursement by the State.

**Cost & Methodology**

An estimate of the amount incurred by units of local government for implementation of this mandate is not yet available. P.A. 95-0979 requires implementation without reimbursement by the State.