



2010 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.

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 2009, and the next edition will be available in 2011. The 2009 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 2010 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 2010 Update contains 8 mandates in the following categories:

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

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
500 East Monroe Street
Springfield, Illinois 62701
Ph. (217) 785-6315

Non-Reimbursable

Type of Government:	All Governments
Subject:	Identity Protection Act
Type of Mandate:	Local Government Organization and Structure Mandate
Statute:	30 ILCS 805/8.33 new
Public Act:	96-0874
Bill Number:	HB 547
Supervising Agency:	None
Effective Date:	01/01/2010
Description/Analysis:	Creates the Identity Protection Act. Prohibits a State or local government agency from using an individual's social security number in certain ways, subject to various exceptions. Requires each State or local government agency to develop and approve an identity-protection policy within 12 months after the effective date of the Act. Provides that any employee of a State or local government agency who intentionally violates the provisions of the Act is guilty of a Class B misdemeanor. Preempts the concurrent exercise of home rule powers. Imposes conditions on any rulemaking authority.
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

Reimbursable

Type of Government:	All Governments
Subject:	Illinois Pension Code Changes
Type of Mandate:	Personnel Mandates
Statute:	5 ILCS 315/15, 40 ILCS 5/1-160 new, 40 ILCS 5/2-108.1, 40 ILCS 5/2-119, 40 ILCS 5/2-119.01, 40 ILCS 5/2-121.1, 40 ILCS 5/2-122, 40 ILCS 5/17-129, 40 ILCS 5/18-124, 40 ILCS 5/18-125, 40 ILCS 5/18-125.1, 40 ILCS 5/18-127, 40 ILCS 5/18-128.01, 30 ILCS 805/8.34 new
Public Act:	96-0889
Bill Number:	SB 1946
Supervising Agency:	None
Effective Date:	01/01/2011, 04/14/2010 some parts
Description/Analysis:	Amends the Illinois Public Labor Relations Act. Exempts the changes made to the Illinois Pension Code under this amendatory Act from provisions providing that, if there is a conflict between the Act and any other law, the provisions of the Act or any collective bargaining agreement negotiated under the Act shall prevail and control. Amends the Illinois Pension Code. Makes changes applicable to persons who first become employees and participants under any system under the Code, other than a downstate police or downstate firefighter pension fund, the Chicago Police pension fund, the Chicago Firemen pension fund, or the Retirement Plan for Chicago Transit Authority Employees or service as a SLEP under IMRF, on or after the effective date of the amendatory Act concerning the following: conditions for retirement, calculation of salary, annual increases, survivor's annuities, and application of alternative formula provisions. Amends the Chicago Teacher Article of the Illinois Pension Code. Sets forth a new employer contribution schedule.
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:	Police Military Pension Credit
Type of Mandate:	Personnel Mandate
Statute:	40 ILCS 5/3-110, 40 ILCS 5/5-212, 40 ILCS 5/5-214.3 new, 30 ILCS 805/8.34 new
Public Act:	96-1260
Bill Number:	SB 3022
Supervising Agency:	None
Effective Date:	07/23/2010
Description/Analysis:	Amends the Downstate Police and Chicago Police Articles of the Illinois Pension Code. Allows police officers to establish creditable service for up to 2 years of military service before employment. Requires payment of employee and employer contributions, plus interest at the actuarially assumed rate.
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
Subject:	Property Tax Exemptions
Type of Mandate:	Tax Exemption Mandate
Statute:	20 ILCS 2505/2505-560 new, 35 ILCS 200/15-167, 35 ILCS 200/15-169, 35 ILCS 200/15/170, 35 ILCS 200/15-176
Public Act:	96-1418
Bill Number:	SB 3638
Supervising Agency:	None
Effective Date:	08/02/2010
Description/Analysis:	Amends the Property Tax Code. Extends the alternative general homestead exemption for a period of 3 years. Provides that the maximum amount of the exemption is \$20,000 in the first taxable year, \$16,000 in the second taxable year, and \$12,000 in the third taxable year. Provides that counties other than Cook County may elect to be subject to the alternative general homestead exemption if the county adopts an ordinance within 6 months after the effective date of the amendatory Act. Provides that, beginning in taxable year 2010, the returning veterans' homestead exemption also applies in the taxable year after the taxable year in which the veteran returns from active duty in an armed conflict involving the armed forces of the United States. Provides that taxpayers who have been granted a disabled veterans standard homestead exemption must reapply each year. Provides that taxpayers who are eligible for a senior citizens homestead exemption must reapply each year in counties with 3,000,000 or more inhabitants. Provides that the annual amount of the disabled veterans standard homestead exemption is \$5,000 for veterans with a service connected disability of at least 70% (instead of 75%).
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 Mandates is required.
GA Exemptions:	No reimbursement is required under this Act.
Exclusions:	No exclusions

Reimbursable

Type of Government:	Counties
Subject:	Counties Credit Card Acceptance
Type of Mandate:	Service Mandate
Statute:	35 ILCS 200/20-25, 30 ILCS 805/8.34 new, 50 ILCS 345/20
Public Act:	96-1248
Bill Number:	HB 6062
Supervising Agency:	None
Effective Date:	07/23/2010
Description/Analysis:	Amends the Property Tax Code. Provides that, beginning January 1, 2012, a county with a population of more than 3,000,000 is required to accept payment by credit card for each installment of property taxes. Provides that all service charges or fees associated with the processing or accepting of a credit card payment by the county shall be paid by the taxpayer and shall not be refundable. Provides that the county is not required to accept payment by credit card for the payment on any installment of taxes that is delinquent under certain provisions of the Property Tax Code or for the purposes of any tax sale or scavenger sale. Provides that the county shall not incur liability for or associated with the collection of a property tax payment by credit card. Provides that the acceptance of credit cards by a county with a population of more than 3,000,000 is not subject to the public hearing requirement of the Local Governmental Acceptance of Credit Cards Act.
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 50% to 100% of the increased cost to local governments due to the imposition of Service Mandates is required.
GA Exemptions:	No reimbursement is required under this Act.
Exclusions:	No exclusions

Reimbursable

Type of Government:	Counties
Subject:	Pension Retirement Annuity and Furlough Service Credit
Type of Mandate:	Personnel Mandates
Statute:	40 ILCS 5/7-142, 40 ILCS 5/7-142.1, 40 ILCS 5/7-145.1, 40 ILCS 5/9-121.6, 40 ILCS 5/9-128.2 new, 30 ILCS 805/8.34 new
Public Act:	96-0961
Bill Number:	HB 4644
Supervising Agency:	None
Effective Date:	07/02/2010
Description/Analysis:	Amends the IMRF Article of the Illinois Pension Code. In provisions concerning the amount of a retirement annuity, sheriff's law enforcement employees, and elected county officers, provides that any elected county officer who was entitled to receive a stipend from the State on or after July 1, 2009 and on or before June 30, 2010 may establish earnings credit for the amount of stipend not received, if the elected county official applies in writing to the fund within 6 months after the effective date of the amendatory Act and pays to the fund an amount equal to (i) employee contributions on the amount of stipend not received, (ii) employer contributions determined by the Board equal to the employer's normal cost of the benefit on the amount of stipend not received, plus (iii) interest at the actuarially assumed rate. Makes similar changes in the Cook County Article of the Illinois Pension Code. Amends the State Employee and State Universities Articles of the Illinois Pension Code. Allows a member to establish service credit for voluntary or involuntary furlough beginning on or after July 1, 2009 and ending on or before June 30, 2011. Requires application before December 31, 2011.
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 Social Security Taxes
Type of Mandate:	Personnel Mandate
Statute:	40 ILCS 5/7-170, 40 ILCS 5/7-171, 40 ILCS 5/7-172, 40 ILCS 5/7-173, 40 ILCS 5/7-211, 30 ILCS 805/8.34
Public Act:	96-1084
Bill Number:	SB 3405
Supervising Agency:	None
Effective Date:	07/16/2010
Description/Analysis:	Amends the IMRF Article of the Illinois Pension Code. Makes changes in provisions concerning Social Security taxes. Makes changes concerning cross-references to provisions concerning amortization of unfunded obligations.
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:	Mass Transit Districts
Subject:	Chicago Transit Authority Benefits
Type of Mandate:	Personnel Mandate
Statute:	820 ILCS 130/2, 820 ILCS 130/3, 820 ILCS 130/4, 820 ILCS 130/6, 820 ILCS 130/9, 820 ILCS 130/11, 820 ILCS 130/11b, 820 ILCS 130/11a rep, 40 ILCS 5/22-101B, 30 ILCS 805/8.34 new
Public Act:	96-1254
Bill Number:	SB 43
Supervising Agency:	None
Effective Date:	07/23/2010
Description/Analysis:	Amends provisions concerning health care benefits for the Chicago Transit Authority in the Illinois Pension Code. Provides that the Retiree Health Care Trust shall be solely responsible for providing health care benefits to eligible retirees and their dependents and survivors upon the exhaustion of the account established by the Retirement Plan for Chicago Transit Authority Employees pursuant to Section 401(h) of the Internal Revenue Code, but no earlier than January 1, 2009 and no later than July 1, 2009 (rather than by no later than July 1, 2009, but no earlier than January 1, 2009). Provides that health care coverage through a health maintenance organization may be provided at 100% (while certain health care benefit programs established by the Board of Trustees are limited to 90% coverage for in-network services or 70% coverage for out-of-network services). Makes changes concerning the annual assessment of the funding levels of the Retiree Health Care Trust. Provides that any retiree hired on or before September 5, 2001 who retires with 25 years or more of continuous service, shall be eligible for retiree health care benefits upon retirement in accordance with any rules or regulations adopted by the Board of Trustees; provided he or she retires prior to the full execution of the successor collective bargaining agreement to the collective bargaining agreement that became effective January 1, 2007 between the Authority and the organizations representing the highest and second-highest number of Chicago Transit Authority participants.
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 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
