



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5007

Introduced 2/18/2020, by Rep. Elizabeth Hernandez

SYNOPSIS AS INTRODUCED:

55 ILCS 5/2-3001	from Ch. 34, par. 2-3001
55 ILCS 5/6-31002	from Ch. 34, par. 6-31002
65 ILCS 5/1-1-2	from Ch. 24, par. 1-1-2

Amends the Counties Code. Changes definitions of "population" to be the total number of inhabitants according to last preceding federal decennial census (rather than number of inhabitants or number of persons). Amends the Illinois Municipal Code. Adds a definition of "population" in the general definition Section.

LRB101 20573 AWJ 70193 b

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Counties Code is amended by changing
5 Sections 2-3001 and 6-31002 as follows:

6 (55 ILCS 5/2-3001) (from Ch. 34, par. 2-3001)

7 Sec. 2-3001. Definitions. As used in this Division, unless
8 the context otherwise requires:

9 a. "District" means a county board district established as
10 provided in this Division.

11 b. "County apportionment commission" or "commission" means
12 the county clerk, the State's Attorney, the Attorney General or
13 his designated representative and the chairmen of the county
14 central committees of the first leading political party and the
15 second leading political party as defined in Section 1-3 of The
16 Election Code.

17 c. "Population" means the total number of inhabitants
18 according to ~~as determined by~~ the last preceding federal
19 decennial census.

20 d. "Member" or "board member" means a person elected to
21 serve on the county board.

22 (Source: P.A. 86-962.)

1 (55 ILCS 5/6-31002) (from Ch. 34, par. 6-31002)

2 Sec. 6-31002. Definitions. As used in this Division, unless
3 the context otherwise requires:

4 1. "Comptroller" means the Comptroller of the State of
5 Illinois;

6 2. (Blank);

7 3. "Funds and accounts" means all funds of a county derived
8 from property taxes and all funds and accounts derived from
9 sources other than property taxes, including the receipts and
10 expenditures of the fee earnings of each county fee officer;

11 4. "Audit report" means the written report of the auditor
12 or auditors and all appended statements and schedules relating
13 thereto, presenting or recording the findings of an examination
14 or audit of the financial transactions, affairs and condition
15 of a county;

16 5. "Population" means the total number of inhabitants
17 ~~persons residing in a county~~ according to the last preceding
18 federal decennial census;

19 6. "Auditor" means a licensed certified public accountant,
20 as that term is defined in Section 0.03 of the Illinois Public
21 Accounting Act, or the substantial equivalent of a licensed
22 CPA, as provided under Section 5.2 of the Illinois Public
23 Accounting Act, who performs an audit of county financial
24 statements and records and expresses an assurance or disclaims
25 an opinion on the audited financial statements; "auditor" does
26 not include a county auditor elected or appointed under

1 Division 3-1 of the Counties Code.

2 7. "Generally accepted accounting principles" means
3 accounting principles generally accepted in the United States.

4 8. "Generally accepted auditing standards" means auditing
5 standards generally accepted in the United States.

6 (Source: P.A. 100-837, eff. 8-13-18; 101-419, eff. 1-1-20.)

7 Section 10. The Illinois Municipal Code is amended by
8 changing Section 1-1-2 as follows:

9 (65 ILCS 5/1-1-2) (from Ch. 24, par. 1-1-2)

10 Sec. 1-1-2. Definitions. In this Code:

11 (1) "Municipal" or "municipality" means a city, village, or
12 incorporated town in the State of Illinois, but, unless the
13 context otherwise provides, "municipal" or "municipality" does
14 not include a township, town when used as the equivalent of a
15 township, incorporated town that has superseded a civil
16 township, county, school district, park district, sanitary
17 district, or any other similar governmental district. If
18 "municipal" or "municipality" is given a different definition
19 in any particular Division or Section of this Act, that
20 definition shall control in that division or Section only.

21 (2) "Corporate authorities" means (a) the mayor and
22 aldermen or similar body when the reference is to cities, (b)
23 the president and trustees or similar body when the reference
24 is to villages or incorporated towns, and (c) the council when

1 the reference is to municipalities under the commission form of
2 municipal government.

3 (3) "Electors" means persons qualified to vote for elective
4 officers at municipal elections.

5 (4) "Person" means any individual, partnership,
6 corporation, joint stock association, or the State of Illinois
7 or any subdivision of the State; and includes any trustee,
8 receiver, assignee, or personal representative of any of those
9 entities.

10 (5) Except as otherwise provided by ordinance, "fiscal
11 year" in all municipalities with fewer than 500,000
12 inhabitants, and "municipal year" in all municipalities, means
13 the period elapsing (a) between general municipal elections in
14 succeeding calendar years, or (b) if general municipal
15 elections are held biennially, then between a general municipal
16 election and the same day of the same month of the following
17 calendar year, and between that day and the next succeeding
18 general municipal election, or (c) if general municipal
19 elections are held quadrennially, then between a general
20 municipal election and the same day of the same month of the
21 following calendar year, and between that day and the same day
22 of the same month of the next following calendar year, and
23 between the last mentioned day and the same day of the same
24 month of the next following calendar year, and between the last
25 mentioned day and the next succeeding general municipal
26 election. The fiscal year of each municipality with 500,000 or

1 more inhabitants shall commence on January 1.

2 (6) Where reference is made to a county within which a
3 municipality, district, area, or territory is situated, the
4 reference is to the county within which is situated the major
5 part of the area of that municipality, district, area, or
6 territory, in case the municipality, district, area, or
7 territory is situated in 2 or more counties.

8 (7) Where reference is made for any purpose to any other
9 Act, either specifically or generally, the reference shall be
10 to that Act and to all amendments to that Act now in force or
11 that may be hereafter enacted.

12 (8) Wherever the words "city council", "aldermen",
13 "commissioners", or "mayor" occur, the provisions containing
14 these words shall apply to the board of trustees, trustees, and
15 president, respectively, of villages and incorporated towns
16 and councilmen in cities, so far as those provisions are
17 applicable to them.

18 (9) The terms "special charter" and "special Act" are
19 synonymous.

20 (10) "General municipal election" means the biennial
21 regularly scheduled election for the election of officers of
22 cities, villages, and incorporated towns, as prescribed by the
23 general election law; in the case of municipalities that elect
24 officers annually, "general municipal election" means each
25 regularly scheduled election for the election of officers of
26 cities, villages, and incorporated towns.

1 (11) "Population" means the total number of inhabitants
2 according to the last preceding federal decennial census.

3 (Source: P.A. 87-1119.)