

HB1918



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB1918

Introduced 2/17/2021, by Rep. Andrew S. Chesney

SYNOPSIS AS INTRODUCED:

65 ILCS 5/1-1-10

from Ch. 24, par. 1-1-10

Amends the Illinois Municipal Code. Provides that, except for the powers to tax, impose fees, and to incur debt, non-home rule municipalities shall exercise all of the powers provided to home rule units under Section 6 of Article VII of the Illinois Constitution, subject to the limitations set forth in that Section. Effective immediately.

LRB102 11359 AWJ 16692 b

A BILL FOR

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 Illinois Municipal Code is amended by
5 changing Section 1-1-10 as follows:

6 (65 ILCS 5/1-1-10) (from Ch. 24, par. 1-1-10)

7 Sec. 1-1-10. It is the policy of this State that all powers
8 granted, either expressly or by necessary implication, by this
9 Code, by Illinois statute, or by the Illinois Constitution to
10 municipalities may be exercised by those municipalities~~7~~ and
11 the officers, employees~~7~~ and agents of each~~7~~, notwithstanding
12 effects on competition.

13 Notwithstanding any provision of law to the contrary,
14 except for the powers to tax, impose fees, and to incur debt,
15 non-home rule municipalities shall exercise all of the powers
16 provided to home rule units under Section 6 of Article VII of
17 the Illinois Constitution, subject to the limitations set
18 forth in that Section.

19 It is further the policy of this State that ~~home-rule~~
20 municipalities and~~7~~ the officers, employees~~7~~ and agents of
21 each may (1) exercise any power and perform any function
22 pertaining to their government and affairs or (2) exercise
23 those powers within traditional areas of municipal activity,

1 except as limited by the Illinois Constitution or a proper
2 limiting statute, notwithstanding effects on competition.

3 It is the intention of the General Assembly that the
4 "State action exemption" to the application of federal
5 antitrust statutes be fully available to all municipalities,
6 and the agents, officers, and employees of each to the extent
7 they are exercising authority as aforesaid, including, but not
8 limited to, the provisions of Sections 6, 7, and 10 of Article
9 VII of the Illinois Constitution or the provisions of the
10 following Illinois statutes, as each is now in existence or
11 may hereinafter be amended:

12 (a) The Illinois Local Library Act; Article 27 of the
13 Property Tax Code ~~"An Act to provide the manner of levying or~~
14 ~~imposing taxes for the provision of special services to areas~~
15 ~~within the boundaries of home rule units and non-home rule~~
16 ~~municipalities and counties", approved September 21, 1973, as~~
17 ~~amended; the Housing Development and Construction Act~~ "An Act
18 ~~to facilitate the development and construction of housing, to~~
19 ~~provide governmental assistance therefor, and to repeal an Act~~
20 ~~herein named", approved July 2, 1947, as amended; or the~~
21 Housing Authorities Act, the Housing Cooperation Law, the
22 Blighted Areas Redevelopment Act of 1947, the Blighted Vacant
23 Areas Development Act of 1949, the Urban Community
24 Conservation Act, the Illinois Enterprise Zone Act, or any
25 other power exercised pursuant to the Intergovernmental
26 Cooperation Act; or

1 (b) Divisions 1, 2, 3, 4, 5, and 6 of Article 7 of the
2 Illinois Municipal Code; Divisions 9, 10, and 11 of Article 8
3 of the Illinois Municipal Code; Divisions 1, 2, 3, 4, and 5 of
4 Article 9 of the Illinois Municipal Code; and all of Divisions
5 of Articles 10 and 11 of the Illinois Municipal Code; or

6 (c) Any other Illinois statute or constitutional provision
7 now existing or which may be enacted in the future, by which
8 any municipality may exercise authority.

9 The "State action exemption" for which provision is made
10 by this Section shall be liberally construed in favor of such
11 municipalities and the agents, employees, and officers
12 thereof, and such exemption shall be available notwithstanding
13 that the action of the municipality or its agents, officers,
14 or employees constitutes an irregular exercise of
15 constitutional or statutory powers. However, this exemption
16 shall not apply where the action alleged to be in violation of
17 antitrust law exceeds either (1) powers granted, either
18 expressly or by necessary implication, by Illinois statute or
19 the Illinois Constitution or (2) powers granted to a home rule
20 municipality to perform any function pertaining to its
21 government and affairs or to act within traditional areas of
22 municipal activity, except as limited by the Illinois
23 Constitution or a proper limiting statute.

24 Notwithstanding the foregoing, where it is alleged that a
25 violation of the antitrust laws has occurred, the relief
26 available to the plaintiffs shall be limited to an injunction

1 which enjoins the alleged activity.

2 Nothing in this Section is intended to prohibit or limit
3 any cause of action other than under an antitrust theory.

4 (Source: P.A. 84-1050; revised 8-7-19.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.