



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4691

Introduced 1/21/2022, by Rep. Michael Halpin

SYNOPSIS AS INTRODUCED:

65 ILCS 5/Art. 11 Div. 153 heading new
65 ILCS 5/11-153-5 new

Creates the Sale of Municipal Water or Sewer Utility Division in the Illinois Municipal Code. Provides that, at the election next following the public meeting and notice required by law for the sale of a municipal water or sewer utility, a referendum shall be placed on the ballot for all electors within the area where the water or sewer utility operates in substantially the following form. Includes referendum language. Provides that, if a majority of the electors voting on the referendum within the service area of the water or sewer utility vote in favor of the referendum, then the acquisition may continue as otherwise provided by law. Provides that, if less than a majority of the electors voting on the referendum within the service area of the water or sewer utility vote in favor of the referendum, the municipality shall deny the large public utility's acquisition of the water or sewer utility. Defines "large public utility" Effective immediately.

LRB102 21283 AWJ 30394 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 Illinois Municipal Code is amended by
5 adding Division 153 to Article 11 as follows:

6 (65 ILCS 5/Art. 11 Div. 153 heading new)

7 DIVISION 153. SALE OF MUNICIPAL WATER OR SEWER UTILITY

8 (65 ILCS 5/11-153-5 new)

9 Sec. 11-153-5. Referendum on sale of municipal water or
10 sewer utility. Notwithstanding any other provision of law, at
11 the election next following the public meeting and notice
12 required by law for the sale of a municipal water or sewer
13 utility, a referendum, subject to the requirements of Section
14 16-7 of the Election Code, shall be placed on the ballot for
15 all electors within the area where the water or sewer utility
16 operates in substantially the following form:

17 May the (name of large public utility) acquire the
18 (name of municipal water or sewer utility) under the terms
19 of acquisition as published in (name of newspaper) on
20 (date)?

21 The votes shall be recorded as "Yes" or "No". If a majority
22 of the electors voting on the referendum within the service

1 area of the water or sewer utility vote in favor of the
2 referendum, then the acquisition may continue as otherwise
3 provided by law. If less than a majority of the electors voting
4 on the referendum within the service area of the water or sewer
5 utility vote in favor of the referendum, the municipality
6 shall deny the large public utility's acquisition of the water
7 or sewer utility.

8 As used in this Section, "large public utility" has the
9 meaning given to that term in Section 9-210.5 of the Public
10 Utilities Act.

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.