



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB4604

Introduced 2/1/2012, by Rep. Rita Mayfield

SYNOPSIS AS INTRODUCED:

65 ILCS 5/8-4.1-4

from Ch. 24, par. 8-4.1-4

Amends the Illinois Municipal Code. Provides that in municipalities with a population of less than 2,000,000 inhabitants, bonds shall not be issued until the proposition to issue the bonds has been submitted to and approved by a majority of the voters of the municipality voting upon the proposition at a regular election. Sets forth requirements concerning the notice and form of the proposition.

LRB097 19444 KMW 64697 b

FISCAL NOTE ACT
MAY APPLY

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 8-4.1-4 as follows:

6 (65 ILCS 5/8-4.1-4) (from Ch. 24, par. 8-4.1-4)

7 Sec. 8-4.1-4. Whenever Applicable Law provides that the
8 authorization or the issuance of Bonds, or the becoming
9 effective of an ordinance or resolution providing for the
10 authorization or issuance of Bonds, may be subject to a
11 backdoor referendum, the provisions of this Section may be used
12 as an alternative to the specific procedures as otherwise set
13 forth by Applicable Law.

14 A. The corporate authorities may adopt an authorizing
15 ordinance describing briefly the authority under which Bonds
16 are proposed to be issued, the nature of the project or purpose
17 to be financed, the estimated total costs of the project or
18 purpose, including in such costs all items related to financing
19 the project or purpose, and the maximum amount of Bonds
20 authorized to be issued to pay such costs. No further details
21 or specifications are required in such authorizing ordinance.
22 Such authorizing ordinance, along with any other notice as
23 required by Applicable Law, including any notice as to the

1 right of electors to file a petition and the number of voters
2 required to sign any such petition, shall be published or
3 posted as required by Applicable Law. A petition may be filed
4 after such publication or posting during the period as provided
5 by Applicable Law; but upon the expiration of any such period,
6 the corporate authorities shall be authorized to issue such
7 Bonds as if they had followed all necessary procedures set
8 forth in such Applicable Law.

9 B. If no petition meeting the requirements of the
10 Applicable Law is filed during the petition period hereinabove
11 referred to, then the corporate authorities may adopt
12 additional ordinances or proceedings supplementing or amending
13 the authorizing ordinance so long as the maximum amount of
14 Bonds as set forth in the authorizing ordinance hereinabove
15 provided for is not exceeded, and there is no material change
16 in the project or purpose described in the authorizing
17 ordinance. Such additional ordinances or proceedings shall in
18 all instances become effective immediately without publication
19 or posting or any further act or requirement. The authorizing
20 ordinance, together with such additional ordinances or
21 proceedings, shall constitute complete authority for the
22 issuance of such Bonds under the Applicable Law.

23 C. In municipalities with a population of less than
24 2,000,000 inhabitants, bonds shall not be issued until the
25 proposition to issue the bonds has been submitted to and
26 approved by a majority of the voters of the municipality voting

1 upon the proposition at a regular election. Notice of the bond
2 referendum shall be given pursuant to Section 12-5 of the
3 Election Code. The corporate authorities shall by ordinance
4 designate the election at which the proposition is to be
5 submitted, the amount of the bonds, and their purpose. The
6 corporate authorities shall certify the proposition to the
7 proper election authority, who shall submit the proposition in
8 accordance with the Election Code, subject to the notice
9 provisions set forth in this Section.

10 The proposition to issue bonds shall be in substantially
11 the following form:

12 Shall the bonds of (name of municipality) in the amount
13 of \$(amount) be issued for the purpose of (state one or
14 more purposes)?

15 When so authorized, the bonds shall be issued in the name
16 of the municipality with the seal of the municipality affixed.

17 (Source: P.A. 85-158.)