



Rep. Jack D. Franks

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LRB099 04103 JLK 34318 a

1 AMENDMENT TO HOUSE BILL 229

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 229, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Counties Code is amended by changing  
6 Sections 5-44010 and 5-44025 and by adding Sections 5-44026 and  
7 5-44060 as follows:

8 (55 ILCS 5/5-44010)

9 Sec. 5-44010. Applicability. The powers and authorities  
10 provided by this Division 5-44 apply to McHenry County, Lake  
11 County, and DuPage County ~~only to counties with a population of~~  
12 ~~more than 900,000 and less than 3,000,000 that are contiguous~~  
13 ~~to a county with a population of more than 3,000,000 and units~~  
14 of local government within such counties.

15 (Source: P.A. 98-126, eff. 8-2-13.)

1 (55 ILCS 5/5-44025)

2 Sec. 5-44025. Dissolution of units of local government by  
3 ordinance.

4 (a) A county board may, by ordinance, propose the  
5 dissolution of a unit of local government. The ordinance shall  
6 detail the purpose and cost savings to be achieved by such  
7 dissolution, and be published in a newspaper of general  
8 circulation served by the unit of local government and on the  
9 county's website, if applicable.

10 (b) Upon the effective date of an ordinance enacted  
11 pursuant to subsection (a) of this Section, the chairman of the  
12 county board shall cause an audit of all claims against the  
13 unit, all receipts of the unit, the inventory of all real and  
14 personal property owned by the unit or under its control or  
15 management, and any debts owed by the unit. The chairman may,  
16 at his or her discretion, undertake any other audit or  
17 financial review of the affairs of the unit. The person or  
18 entity conducting such audit shall report the findings of the  
19 audit to the county board and to the chairman of the county  
20 board within 30 days.

21 (c) Following the return of the audit report required by  
22 subsection (b) of this Section, the county board may adopt an  
23 ordinance dissolving the unit 150 days following the effective  
24 date of the ordinance. Upon adoption of the ordinance, but not  
25 before the end of the 30-day period set forth in subsection (e)  
26 of this Section and prior to its effective date, the chairman

1 of the county board shall petition the circuit court for an  
2 order designating a trustee-in-dissolution for the unit,  
3 immediately terminating the terms of the members of the  
4 governing board of the unit of local government on the  
5 effective date of the ordinance, and providing for the  
6 compensation of the trustee, which shall be paid from the  
7 corporate funds of the unit.

8 (d) Upon the effective date of an ordinance enacted under  
9 subsection (c) of this Section, and notwithstanding any other  
10 provision of law, the State's attorney, or his or her designee,  
11 shall become the exclusive legal representative of the  
12 dissolving unit of local government. The county treasurer shall  
13 become the treasurer of the unit of local government and the  
14 county clerk shall become the secretary of the unit of local  
15 government.

16 (e) Any dissolution of a unit of local government proposed  
17 pursuant to this Section ~~Act~~ shall be subject to a backdoor  
18 referendum. In addition to, or as part of, the authorizing  
19 ordinance enacted pursuant to subsection (c) of this Section, a  
20 notice shall be published that includes: (1) the specific  
21 number of voters required to sign a petition requesting that  
22 the question of dissolution be submitted to referendum; (2) the  
23 time when such petition must be filed; (3) the date of the  
24 prospective referendum; and (4) the statement of the cost  
25 savings and the purpose or basis for the dissolution as set  
26 forth in the authorizing ordinance under subsection (a) of this

1 Section. The county's election authority shall provide a  
2 petition form to anyone requesting one. If no petition is filed  
3 with the county's election authority within 30 days of  
4 publication of the authorizing ordinance and notice, the  
5 ordinance shall become effective.

6 However, the election authority shall certify the question  
7 for submission at the next election held in accordance with  
8 general election law if a petition: (1) is filed within the  
9 30-day period; (2) is signed by electors numbering either 7.5%  
10 of the registered voters in the governmental unit or 200  
11 registered voters, whichever is less; and (3) asks that the  
12 question of dissolution be submitted to referendum.

13 The election authority shall submit the question to voters  
14 residing in the area served by the unit of local government in  
15 substantially the following form:

16 Shall the county board be authorized to dissolve [name  
17 of unit of local government]?

18 The election authority shall record the votes as "Yes" or  
19 "No".

20 If a majority of the votes cast on the question at such  
21 election are in favor of dissolution of the unit of local  
22 government and provided that notice of the referendum was  
23 provided as set forth in Section 12-5 of the Election Code, the  
24 county board is authorized to proceed pursuant to subsection  
25 (c) of this Section.

26 (Source: P.A. 98-126, eff. 8-2-13.)

1 (55 ILCS 5/5-44026 new)

2 Sec. 5-44026. Dissolution of units of local government by  
3 referendum.

4 (a) A county board may propose the dissolution of a unit of  
5 local government. The proposal shall detail the purpose and  
6 cost savings to be achieved by such dissolution, and be  
7 published in a newspaper of general circulation served by the  
8 unit of local government and on the county's website, if  
9 applicable. The notice shall also include information  
10 concerning the specific number of voters required to sign a  
11 petition requesting that the question of dissolution be  
12 submitted to referendum that must occur before any dissolution  
13 takes place.

14 (b) Any dissolution of a unit of local government proposed  
15 pursuant to this Section shall be subject to a referendum. The  
16 election authority shall certify the question for submission at  
17 the next election held in accordance with general election law  
18 if a petition: (1) is signed by electors numbering either 7.5%  
19 of the registered voters in the governmental unit or 200  
20 registered voters, whichever is less; and (2) asks that the  
21 question of dissolution be submitted to referendum.

22 The election authority shall submit the question to voters  
23 residing in the area served by the unit of local government in  
24 substantially the following form:

25 Shall the county board be authorized to dissolve [name

1 of unit of local government]?

2 The election authority shall record the votes as "Yes" or  
3 "No".

4 If a majority of the votes cast on the question at such  
5 election are in favor of dissolution of the unit of local  
6 government and provided that notice of the referendum was  
7 provided as set forth in Section 12-5 of the Election Code, the  
8 county board is authorized to proceed pursuant to subsection  
9 (c) of this Section.

10 (c) Upon the adoption of a referendum enacted pursuant to  
11 subsection (b) of this Section, the chairman of the county  
12 board shall cause an audit of all claims against the unit, all  
13 receipts of the unit, the inventory of all real and personal  
14 property owned by the unit or under its control or management,  
15 and any debts owed by the unit. The chairman may, at his or her  
16 discretion, undertake any other audit or financial review of  
17 the affairs of the unit. The person or entity conducting such  
18 audit shall report the findings of the audit to the county  
19 board and to the chairman of the county board within 30 days.

20 (d) Following the return of the audit report required by  
21 subsection (c) of this Section, the county board shall adopt an  
22 ordinance dissolving the unit 150 days following the adoption  
23 of the referendum. Upon adoption of the ordinance, the chairman  
24 of the county board shall petition the circuit court for an  
25 order designating a trustee-in-dissolution for the unit,  
26 immediately terminating the terms of the members of the

1 governing board of the unit of local government on the  
2 effective date of the ordinance, and providing for the  
3 compensation of the trustee, which shall be paid from the  
4 corporate funds of the unit.

5 (e) Upon the effective date of an ordinance enacted under  
6 subsection (d) of this Section, and notwithstanding any other  
7 provision of law, the State's attorney, or his or her designee,  
8 shall become the exclusive legal representative of the  
9 dissolving unit of local government. The county treasurer shall  
10 become the treasurer of the unit of local government and the  
11 county clerk shall become the secretary of the unit of local  
12 government.

13 (55 ILCS 5/5-44060 new)

14 Sec. 5-44060. Rights of former employees. On the effective  
15 date of dissolution, the employees of the former unit of local  
16 government shall be transferred to the governmental unit  
17 assuming the functions of the former unit of local government.  
18 The status and rights of employees represented by an exclusive  
19 bargaining representative shall not be affected by the  
20 consolidation or this amendatory Act of the 99th General  
21 Assembly. Obligations assumed by the government unit assuming  
22 the functions of the former governmental unit shall include the  
23 obligation to honor existing representation rights under the  
24 Illinois Public Labor Relations Act and any existing collective  
25 bargaining agreements. The rights of employees under any

1 existing pension, retirement, or annuity plan shall not be  
2 affected by the consolidation or this amendatory Act of the  
3 99th General Assembly.

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