



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB4967

Introduced 2/5/2016, by Rep. David McSweeney - Tom Demmer

SYNOPSIS AS INTRODUCED:

New Act
10 ILCS 5/28-7

from Ch. 46, par. 28-7

Creates the Citizens Empowerment Act. Provides that electors may petition for a referendum at the next general election to dissolve a unit of local government. Sets forth the requirements for the petition, together with the form and requirements for the ballot referendum. Provides for the transfer of all real and personal property, and any other assets, together with all personnel, contractual obligations, and liabilities of the dissolving unit of local government to the receiving unit of local government. Amends the Election Code to provide exceptions for the Local Government Dissolution Act. Effective immediately.

LRB099 20213 AWJ 44677 b

FISCAL NOTE ACT
MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

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 1. Short title. This Act may be cited as the
5 Citizens Empowerment Act.

6 Section 5. Scope. The method of dissolution of a unit of
7 local government under this Act shall be in addition to any
8 other method of dissolving a unit of local government provided
9 by law or otherwise.

10 Section 10. Definitions. As used in this Act:

11 "Dissolving unit of local government" means the unit of
12 local government proposed to be dissolved by referendum under
13 this Act.

14 "Electors" means the registered voters of the dissolving
15 unit of local government and the registered voters of the
16 receiving unit of local government.

17 "Receiving unit of local government" means the unit of
18 local government receiving the rights, duties and liabilities
19 of the unit of local government proposed be dissolved by
20 referendum under this Act.

21 Section 15. Petitions requirements; notice.

1 (a) Subject to the petition requirements of Section 28-3 of
2 the Election Code, petitions for a referendum to dissolve any
3 unit of local government must be filed both with the governing
4 board of the dissolving unit of local governmental and the
5 governing board of the receiving unit of local government not
6 less than 122 days prior to a general election. Petitions must
7 include:

8 (1) the dissolving unit of local government;

9 (2) the receiving unit of local government;

10 (3) the date of dissolution;

11 (4) signatures of a number of electors equal to or
12 greater than 5% of the total votes cast in the preceding
13 general election; and

14 (5) an affidavit of publication, attesting that notice
15 of the petition to dissolve a local unit of government was
16 published in a newspaper of general circulation within the
17 territory of the dissolving unit of local government and
18 the receiving unit of local government at least 122 days
19 and no more than 152 days prior to the general election at
20 which the referendum is to be voted upon.

21 All signatures gathered under paragraph (4) of this
22 subsection (a) must be signed within 365 days prior to the
23 filing of a petition. A unit of local government may by
24 ordinance or resolution limit the time signatures must be
25 signed to less than 365 days prior to the filing of the
26 petition but no less than 180 days before the filing of a

1 petition. If either the dissolving unit of local government or
2 receiving unit of local government has such an ordinance or
3 resolution, the petition shall not be placed on the ballot if
4 any signatures do not meet the requirements of any ordinance or
5 resolution.

6 (b) The proposed date of dissolution shall be at least 90
7 days after the date of the election at which the referendum is
8 to be voted upon.

9 (c) The parties filing a petition under this Section shall
10 give notice in substantially the following form:

11 NOTICE OF PETITION TO DISSOLVE [dissolving unit of local
12 government].

13 Residents of [dissolving unit of local government] and
14 [receiving unit of local government] are notified that a
15 petition will be filed with [dissolving unit of local
16 government] and [receiving unit of local government]
17 requesting a referendum to dissolve [dissolving unit of
18 local government] on [date of dissolution] with all real
19 and personal property, and any other assets, together with
20 all personnel, contractual obligations, and liabilities
21 being transferred to [receiving unit of local government].

22 Section 20. Ballot placement. A petition that meets the
23 requirements of Section 15 shall be placed on the ballot in the
24 form provided for in Section 25 at the general election next

1 following. Failure to publish the required notice of petition
 2 shall render the petition, and the results of any referendum
 3 held on the petition, null and void.

4 Section 25. Referendum; voting.

5 (a) Subject to the requirements of Section 16-7 of the
 6 Election Code, the referendum described in Section 20 shall be
 7 in substantially the following form on the ballot:

8 -----

9 Shall the [dissolving
 10 unit of local government] be
 11 dissolved on [date of dissolution] YES
 12 with all of its property,

13 assets, personnel, obligations, and -----

14 liabilities being transferred to
 15 [receiving unit of local government]? NO

16 -----

17 (b) The referendum is approved when:

18 (1) three-fifths of those voting on the amendment or a
 19 majority of those voting in the election from the
 20 dissolving unit of local government approve the
 21 referendum; and

22 (2) three-fifths of those voting on the amendment or a
 23 majority of those voting in the election from electors of
 24 the receiving unit of local government approve the
 25 referendum.

1 Section 30. Dissolution; transfer of rights and duties.
2 When the dissolution of a unit of local government has been
3 approved under Section 25:

4 (a) On or before the date of dissolution, all real and
5 personal property, and any other assets, together with all
6 personnel, contractual obligations, and liabilities of the
7 dissolving unit of local government shall be transferred to the
8 receiving unit of local government.

9 (b) On the date of dissolution, the dissolving unit of
10 local government is dissolved.

11 (c) On and after the date of dissolution, all rights and
12 duties of the dissolved unit of local government, including,
13 but not limited to, the authority to tax (if any), may be
14 exercised by the governing board of the receiving unit of local
15 government.

16 Section 100. The Election Code is amended by changing
17 Section 28-7 as follows:

18 (10 ILCS 5/28-7) (from Ch. 46, par. 28-7)

19 Sec. 28-7. Except as provided in the Citizens Empowerment
20 Act, in ~~in~~ any case in which Article VII or paragraph (a) of
21 Section 5 of the Transition Schedule of the Constitution
22 authorizes any action to be taken by or with respect to any
23 unit of local government, as defined in Section 1 of Article

1 VII of the Constitution, by or subject to approval by
2 referendum, any such public question shall be initiated in
3 accordance with this Section.

4 Any such public question may be initiated by the governing
5 body of the unit of local government by resolution or by the
6 filing with the clerk or secretary of the governmental unit of
7 a petition signed by a number of qualified electors equal to or
8 greater than at least 8% of the total votes cast for candidates
9 for Governor in the preceding gubernatorial election,
10 requesting the submission of the proposal for such action to
11 the voters of the governmental unit at a regular election.

12 If the action to be taken requires a referendum involving 2
13 or more units of local government, the proposal shall be
14 submitted to the voters of such governmental units by the
15 election authorities with jurisdiction over the territory of
16 the governmental units. Such multi-unit proposals may be
17 initiated by appropriate resolutions by the respective
18 governing bodies or by petitions of the voters of the several
19 governmental units filed with the respective clerks or
20 secretaries.

21 This Section is intended to provide a method of submission
22 to referendum in all cases of proposals for actions which are
23 authorized by Article VII of the Constitution by or subject to
24 approval by referendum and supersedes any conflicting
25 statutory provisions except those contained in the "County
26 Executive Act" or the Citizens Empowerment Act.

1 Referenda provided for in this Section may not be held more
2 than once in any 23-month period on the same proposition,
3 provided that in any municipality a referendum to elect not to
4 be a home rule unit may be held only once within any 47-month
5 period.

6 (Source: P.A. 97-81, eff. 7-5-11.)

7 Section 999. Effective date. This Act takes effect upon
8 becoming law.