



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HOUSE JOINT RESOLUTION

CONSTITUTIONAL AMENDMENT

HC0038

Introduced , by Rep. Mike Smiddy

SYNOPSIS AS INTRODUCED:

ILCON Art. VII, Sec. 6

Proposes to amend the Local Government Article of the Illinois Constitution. Provides that a municipality shall automatically become a home rule unit with a population of more than 5,000 (currently, more than 25,000). Makes conforming changes. Effective upon being declared adopted.

LRB099 12435 JWD 35746 e

1 HOUSE JOINT RESOLUTION
2 CONSTITUTIONAL AMENDMENT

3 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE
4 NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE
5 SENATE CONCURRING HEREIN, that there shall be submitted to the
6 electors of the State for adoption or rejection at the general
7 election next occurring at least 6 months after the adoption of
8 this resolution a proposition to amend Section 6 of Article VII
9 as follows:

10 ARTICLE VII
11 LOCAL GOVERNMENT

12 (ILCON Art. VII, Sec. 6)

13 SECTION 6. POWERS OF HOME RULE UNITS

14 (a) A County which has a chief executive officer elected by
15 the electors of the county and any municipality which has a
16 population of more than 5,000 ~~25,000~~ are home rule units. Other
17 municipalities may elect by referendum to become home rule
18 units. Except as limited by this Section, a home rule unit may
19 exercise any power and perform any function pertaining to its
20 government and affairs including, but not limited to, the power
21 to regulate for the protection of the public health, safety,
22 morals and welfare; to license; to tax; and to incur debt.

23 (b) A home rule unit by referendum may elect not to be a

1 home rule unit.

2 (c) If a home rule county ordinance conflicts with an
3 ordinance of a municipality, the municipal ordinance shall
4 prevail within its jurisdiction.

5 (d) A home rule unit does not have the power (1) to incur
6 debt payable from ad valorem property tax receipts maturing
7 more than 40 years from the time it is incurred or (2) to
8 define and provide for the punishment of a felony.

9 (e) A home rule unit shall have only the power that the
10 General Assembly may provide by law (1) to punish by
11 imprisonment for more than six months or (2) to license for
12 revenue or impose taxes upon or measured by income or earnings
13 or upon occupations.

14 (f) A home rule unit shall have the power subject to
15 approval by referendum to adopt, alter or repeal a form of
16 government provided by law, except that the form of government
17 of Cook County shall be subject to the provisions of Section 3
18 of this Article. A home rule municipality shall have the power
19 to provide for its officers, their manner of selection and
20 terms of office only as approved by referendum or as otherwise
21 authorized by law. A home rule county shall have the power to
22 provide for its officers, their manner of selection and terms
23 of office in the manner set forth in Section 4 of this Article.

24 (g) The General Assembly by a law approved by the vote of
25 three-fifths of the members elected to each house may deny or
26 limit the power to tax and any other power or function of a

1 home rule unit not exercised or performed by the State other
2 than a power or function specified in subsection (l) of this
3 section.

4 (h) The General Assembly may provide specifically by law
5 for the exclusive exercise by the State of any power or
6 function of a home rule unit other than a taxing power or a
7 power or function specified in subsection (l) of this Section.

8 (i) Home rule units may exercise and perform concurrently
9 with the State any power or function of a home rule unit to the
10 extent that the General Assembly by law does not specifically
11 limit the concurrent exercise or specifically declare the
12 State's exercise to be exclusive.

13 (j) The General Assembly may limit by law the amount of
14 debt which home rule counties may incur and may limit by law
15 approved by three-fifths of the members elected to each house
16 the amount of debt, other than debt payable from ad valorem
17 property tax receipts, which home rule municipalities may
18 incur.

19 (k) The General Assembly may limit by law the amount and
20 require referendum approval of debt to be incurred by home rule
21 municipalities, payable from ad valorem property tax receipts,
22 only in excess of the following percentages of the assessed
23 value of its taxable property: (1) if its population is 500,000
24 or more, an aggregate of three percent; (2) if its population
25 is more than 5,000 ~~25,000~~ and less than 500,000, an aggregate
26 of one percent; and (3) if its population is 5,000 ~~25,000~~ or

1 less, an aggregate of one-half percent. Indebtedness which is
2 outstanding on the effective date of this Constitution or which
3 is thereafter approved by referendum or assumed from another
4 unit of local government shall not be included in the foregoing
5 percentage amounts.

6 (1) The General Assembly may not deny or limit the power of
7 home rule units (1) to make local improvements by special
8 assessment and to exercise this power jointly with other
9 counties and municipalities, and other classes of units of
10 local government having that power on the effective date of
11 this Constitution unless that power is subsequently denied by
12 law to any such other units of local government or (2) to levy
13 or impose additional taxes upon areas within their boundaries
14 in the manner provided by law for the provision of special
15 services to those areas and for the payment of debt incurred in
16 order to provide those special services.

17 (m) Powers and functions of home rule units shall be
18 construed liberally.

19 (Source: Illinois Constitution.)

20 SCHEDULE

21 This Constitutional Amendment takes effect upon being
22 declared adopted in accordance with Section 7 of the Illinois
23 Constitutional Amendment Act.