



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0211

Introduced 1/20/2009, by Rep. Frank J. Mautino

SYNOPSIS AS INTRODUCED:

75 ILCS 5/2-7 new

Amends the Illinois Local Library Act. Sets forth procedures by which a public library may be dissolved by an order of the circuit court for failure to perform its statutory duties and functions. Provides that, within 60 days after the effective date of this amendatory Act, the duly elected members of a board of trustees of a public library may meet and appoint a sufficient number of persons to establish a quorum to conduct business. Provides that those appointed shall serve as though elected and hold office only until the next regularly scheduled election for library trustee. Effective immediately.

LRB096 02852 HLH 12866 b

1 AN ACT concerning libraries.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Local Library Act is amended by
5 adding Section 2-7 as follows:

6 (75 ILCS 5/2-7 new)

7 Sec. 2-7. Dissolution for failure to perform duties.

8 (a) If the board of trustees of a public library
9 established under this Act has failed to perform its duties and
10 functions under this Act, then a petition for dissolution that
11 is signed by at least 1% of the electors in the municipality or
12 township may be filed with the clerk of the circuit court of
13 the county in which the public library, or the predominant
14 portion thereof, is located. The petition must (i) clearly
15 define the territory embraced in such public library, (ii) set
16 forth the name of the public library, and (iii) set forth
17 sufficient facts establishing that, within the 3-year period
18 immediately prior to the filing of the petition, the board of
19 trustees:

20 (1) failed to hold regular meetings of the board;

21 (2) failed to pass an annual appropriation ordinance or
22 to levy taxes for the purposes of the district; or

23 (3) failed to perform the duties and functions imposed

1 by law.

2 (b) Upon the filing of a petition under subsection (a), the
3 circuit judge shall set a date and time for a judicial hearing
4 on the petition. At least 20 days prior to the hearing date,
5 the clerk of the circuit court shall give notice of the time
6 and place of the hearing by publication in one or more daily or
7 weekly newspapers having a general circulation within the
8 municipality or township.

9 (c) If, at the hearing under subsection (b), the circuit
10 judge finds that the petition meets the requirements of
11 subsection (a) and that the allegations set forth in the
12 petition are true, then he or she shall enter an order
13 dissolving the public library. If the public library is
14 dissolved by the circuit court under this Section, then the
15 affairs of the public library must be disposed of in the manner
16 as provided in this Act.

17 (d) Within 60 days after the effective date of this
18 amendatory Act of the 96th General Assembly, the duly elected
19 members of a board of trustees of a library established under
20 this Act may meet and appoint a sufficient number of persons to
21 establish a quorum to conduct business. Those appointed shall
22 serve as though elected and hold office only until the next
23 regularly scheduled election for library trustee.

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.