



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5725

Introduced 2/9/2010, by Rep. Michael P. McAuliffe

SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-1005.7 new

65 ILCS 5/8-11-25 new

Amends the Counties Code and the Illinois Municipal Code. Provides that home rule counties and municipalities with more than 500,000 inhabitants may not adopt an ordinance or resolution making an appropriation or containing a substantial tax increase unless (i) a copy of that ordinance or resolution, in its final form, has been made conveniently available on the county or municipality's Internet website for at least 7 days before the bill is considered for final passage and (ii) notice of the ordinance is given by publication in a newspaper of general circulation in the county or municipality not less than 7 nor more than 30 days before the ordinance or resolution is considered for final passage. Provides that, by a motion adopted by a record vote of at least three-fifths of the members elected, the county board or corporate authorities of the municipality may provide that those restrictions do not apply with respect to any one or more ordinances or resolutions specified in the motion. Defines "substantial tax increase" as an aggregate increase in one or more State taxes that will result in increased revenues that are equal to 1% or more of the most recently adopted county or municipal budget. Preempts home rule powers. Effective immediately.

LRB096 18874 RLJ 34261 b

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

HOUSING
AFFORDABILITY
IMPACT 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 Counties Code is amended by adding Section
5 5-1005.7 as follows:

6 (55 ILCS 5/5-1005.7 new)

7 Sec. 5-1005.7. Public availability requirement for
8 appropriations and tax increases.

9 (a) A home rule county may not adopt an ordinance or
10 resolution making an appropriation or containing a substantial
11 tax increase unless (i) a copy of that ordinance or resolution,
12 in its final form, has been made conveniently available to the
13 public on the county's Internet website for at least 7 calendar
14 days before the ordinance or resolution is considered for final
15 passage and (ii) notice of the ordinance is given by
16 publication in a newspaper of general circulation in the county
17 not less than 7 nor more than 30 days before the ordinance or
18 resolution is considered for final passage.

19 (b) Upon a motion adopted by a record vote of at least
20 three-fifths of the members elected, the county board may
21 provide that the restrictions set forth in subsection (a) do
22 not apply with respect to any one or more ordinances or
23 resolutions specified in the motion.

1 (c) For the purpose of this Section, "substantial tax
2 increase" means an aggregate increase in one or more county
3 taxes that will result in increased revenues that are equal to
4 1% or more of the most recently adopted county budget.

5 (d) This Section is a denial and limitation of home rule
6 powers and functions under subsection (g) of Section 6 of
7 Article VII of the Illinois Constitution.

8 Section 10. The Illinois Municipal Code is amended by
9 adding Section 8-11-25 as follows:

10 (65 ILCS 5/8-11-25 new)

11 Sec. 8-11-25. Substantial tax increases; referenda
12 required.

13 (a) A municipality with more than 500,000 inhabitants may
14 not adopt an ordinance or resolution making an appropriation or
15 containing a substantial tax increase unless (i) a copy of that
16 ordinance or resolution, in its final form, has been made
17 conveniently available to the public on the municipality's
18 Internet website for at least 7 calendar days before the
19 ordinance or resolution is considered for final passage and
20 (ii) notice of the ordinance is given by publication in a
21 newspaper of general circulation in the municipality not less
22 than 7 nor more than 30 days before the ordinance or resolution
23 is considered for final passage.

24 (b) Upon a motion adopted by a record vote of at least

1 three-fifths of the members elected, the corporate authorities
2 of the municipality may provide that the restrictions set forth
3 in subsection (a) do not apply with respect to any one or more
4 ordinances or resolutions specified in the motion.

5 (c) For the purpose of this Section, "substantial tax
6 increase" means an aggregate increase in one or more county
7 taxes that will result in increased revenues that are equal to
8 1% or more of the most recently adopted municipal budget.

9 (d) This Section is a denial and limitation of home rule
10 powers and functions under subsection (g) of Section 6 of
11 Article VII of the Illinois Constitution.

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.