



Rep. Tom Demmer

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LRB100 07124 AWJ 22127 a

1 AMENDMENT TO HOUSE BILL 792

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 792, on page 1,  
3 lines 4 and 5, by replacing "Section 5-44010" with "Sections  
4 5-44010, 5-44020, and 5-44025"; and

5 on page 1, immediately below line 11, by inserting the  
6 following:

7 "(55 ILCS 5/5-44020)

8 Sec. 5-44020. Definitions. In this Division 5-44:

9 "Fire protection jurisdiction" means a fire protection  
10 district, municipal fire department, or service organized  
11 under Section 5-1056.1 of the Counties Code, Sections 195 and  
12 200 of the Township Code, Section 10-2.1 of the Illinois  
13 Municipal Code, or the Illinois Fire Protection District Act.

14 "Governing board" means the individual or individuals who  
15 constitute the corporate authorities of a unit of local  
16 government.

1 "Unit of local government" or "unit" means any unit of  
2 local government located entirely within one county, to which  
3 the county board chairman or county executive directly appoints  
4 a majority of its governing board with the advice and consent  
5 of the county board, but shall not include a fire protection  
6 district that directly employs any regular full-time  
7 employees, a conservation district organized under the  
8 Conservation District Act, ~~or~~ a special district organized  
9 under the Water Commission Act of 1985, a community mental  
10 health board established under the Community Mental Health  
11 Board Act, or a board established under the County Care for  
12 Persons with Developmental Disabilities Act.

13 (Source: P.A. 98-126, eff. 8-2-13; 98-756, eff. 7-16-14;  
14 99-709, eff. 8-5-16.)

15 (55 ILCS 5/5-44025)

16 Sec. 5-44025. Dissolution of units of local government.

17 (a) A county board may, by ordinance, propose the  
18 dissolution of a unit of local government. The ordinance shall  
19 detail the purpose and cost savings to be achieved by such  
20 dissolution, and be published in a newspaper of general  
21 circulation served by the unit of local government and on the  
22 county's website, if applicable.

23 (b) Upon the effective date of an ordinance enacted  
24 pursuant to subsection (a) of this Section, the chairman of the  
25 county board shall cause an audit of all claims against the

1 unit, all receipts of the unit, the inventory of all real and  
2 personal property owned by the unit or under its control or  
3 management, and any debts owed by the unit. The chairman may,  
4 at his or her discretion, undertake any other audit or  
5 financial review of the affairs of the unit. The person or  
6 entity conducting such audit shall report the findings of the  
7 audit to the county board and to the chairman of the county  
8 board within 30 days after the audit is ordered or as soon  
9 thereafter as is practicable.

10 (c) Following the return of the audit report required by  
11 subsection (b) of this Section, the county board may adopt an  
12 ordinance authorizing the dissolution of ~~dissolving~~ the unit  
13 not less than 60 150 days following the court's appointment of  
14 a trustee-in-dissolution as provided in this subsection (c)  
15 ~~effective date of the ordinance~~. Upon adoption of the  
16 ordinance, but not before the end of the 30-day period set  
17 forth in subsection (e) of this Section and prior to its  
18 effective date, the chairman of the county board shall petition  
19 the circuit court for an order designating a  
20 trustee-in-dissolution for the unit, immediately terminating  
21 the terms of the members of the governing board of the unit of  
22 local government ~~on the effective date of the ordinance~~, and  
23 providing for the compensation of the trustee, which shall be  
24 paid from the corporate funds of the unit.

25 (d) Upon the court's appointment of a  
26 trustee-in-dissolution ~~effective date of an ordinance enacted~~

1 ~~under subsection (c) of this Section~~, and notwithstanding any  
2 other provision of law, the State's attorney, or his or her  
3 designee, shall become the exclusive legal representative of  
4 the dissolving unit of local government. The county treasurer  
5 shall become the treasurer of the unit of local government and  
6 the county clerk shall become the secretary of the unit of  
7 local government.

8 (e) Any dissolution of a unit of local government proposed  
9 pursuant to this Act shall be subject to a backdoor referendum.  
10 Upon adoption of ~~In addition to, or as part of,~~ the authorizing  
11 ordinance enacted pursuant to subsection (c) of this Section,  
12 the county shall publish a notice ~~shall be published~~ that  
13 includes: (1) the specific number of voters required to sign a  
14 petition requesting that the question of dissolution be  
15 submitted to referendum; (2) the time when such petition must  
16 be filed; (3) the date of the prospective referendum; and (4)  
17 the statement of the cost savings and the purpose or basis for  
18 the dissolution as set forth in the authorizing ordinance under  
19 subsection (a) of this Section. The county's election authority  
20 shall provide a petition form to anyone requesting one. If no  
21 petition is filed with the county's election authority within  
22 30 days of publication of the authorizing ordinance and notice,  
23 the chairman of the county board is authorized to proceed  
24 pursuant to subsection (c) of this Section ~~ordinance shall~~  
25 ~~become effective.~~

26 However, the election authority shall certify the question

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

7 The election authority shall submit the question to voters  
8 residing in the area served by the unit of local government in  
9 substantially the following form:

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

12 The election authority shall record the votes as "Yes" or  
13 "No".

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

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