



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
SB2998

Introduced 2/6/2004, by John J. Cullerton

SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-1071.5 new
30 ILCS 805/8.28 new

Amends the Counties Code. Provides that on and after July 1, 2005, the county board of Cook County may not regulate animal control for any unincorporated area in the county. Provides that for each unincorporated area or portion of an unincorporated area in Cook County, the county board of Cook County, before May 1, 2005, shall designate a municipality in the county that is contiguous to that unincorporated area or portion of that area, and, on and after July 1, 2005, the municipality shall have the power to regulate animal control in that unincorporated area. Authorizes the municipality to collect fees from residents of the unincorporated area for animal control services provided by the municipality to those residents. Preempts home rule powers. Amends the State Mandates Act to require implementation without reimbursement. Effective January 1, 2005.

LRB093 21145 MKM 47207 b

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning counties.

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 5-1071.5 as follows:

6 (55 ILCS 5/5-1071.5 new)

7 Sec. 5-1071.5 Animal control in unincorporated Cook
8 County.

9 (a) On and after July 1, 2005, the county board of Cook
10 County may not exercise any of the powers contained in Sections
11 5-1070, 5-1071, and 5-1071.1 for any unincorporated area in the
12 county. For each unincorporated area or portion of an
13 unincorporated area in Cook County, the county board of Cook
14 County, before May 1, 2005, must designate a municipality in
15 the county that is contiguous to that unincorporated area or
16 portion of that unincorporated area. On and after July 1, 2005,
17 the designated municipality has the power to regulate animal
18 control, including pounds, dogs running at large, and vicious
19 and dangerous dogs in that unincorporated area in accordance
20 with the provisions of Section 11-20-9 of the Illinois
21 Municipal Code. The municipality is authorized to collect fees
22 from residents of the unincorporated area for the provision of
23 animal control services provided to those residents by the
24 municipality in accordance with this Section.

25 (b) No home rule unit may exercise control over animal
26 control in a manner that is inconsistent with this Section.
27 This Section is a limitation of home rule powers under
28 subsection (i) of Section 6 of Article VII of the Illinois
29 Constitution on the concurrent exercise of home rule units of
30 powers and functions exercised by the State.

31 (c) Notwithstanding Sections 6 and 8 of the State Mandates
32 Act, no reimbursement by the State is required for the

1 implementation of any mandate created by this Section.

2 Section 90. The State Mandates Act is amended by adding
3 Section 8.28 as follows:

4 (30 ILCS 805/8.28 new)

5 Sec. 8.28. Exempt mandate. Notwithstanding Sections 6 and 8
6 of this Act, no reimbursement by the State is required for the
7 implementation of any mandate created by this amendatory Act of
8 the 93rd General Assembly.

9 Section 99. Effective date. This Act takes effect on
10 January 1, 2005.