



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB4462

Introduced 1/30/2012, by Rep. Anthony DeLuca

SYNOPSIS AS INTRODUCED:

65 ILCS 5/3.1-40-40

from Ch. 24, par. 3.1-40-40

65 ILCS 5/3.1-40-65 new

Amends the Illinois Municipal Code. Requires the concurrence of a majority of all members of the city council for the passage of a motion or resolution that provides for the expenditure of tax dollars on a charitable or non-profit organization. Further provides that any proposal for the expenditure of tax dollars on a charitable or non-profit organization shall be listed as a separate item on the council's agenda. Limits the concurrent exercise of home rule powers. Effective immediately.

LRB097 17397 KMW 62599 b

HOME RULE 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 Illinois Municipal Code is amended by
5 changing Section 3.1-40-40 and by adding Section 3.1-40-65 as
6 follows:

7 (65 ILCS 5/3.1-40-40) (from Ch. 24, par. 3.1-40-40)

8 Sec. 3.1-40-40. Vote required. The passage of all
9 ordinances for whatever purpose, and of any resolution or
10 motion (i) to create any liability against a city, ~~or~~ (ii) for
11 the expenditure or appropriation of its money, or (iii) for the
12 expenditure of tax dollars on a charitable or non-profit
13 organization shall require the concurrence of a majority of all
14 members then holding office on the city council, including the
15 mayor, unless otherwise expressly provided by this Code or any
16 other Act governing the passage of any ordinance, resolution,
17 or motion. Where the council consists of an odd number of
18 aldermen, however, the vote of the majority of the aldermen
19 shall be sufficient to pass an ordinance. The passage of an
20 ordinance, resolution, or motion to sell any school property
21 shall require the concurrence of three-fourths of all aldermen
22 then holding office. The yeas and nays shall be taken upon the
23 question of the passage of the designated ordinances,

1 resolutions, or motions and recorded in the journal of the city
2 council. In addition, the corporate authorities at any meeting
3 may by unanimous consent take a single vote by yeas and nays on
4 the several questions of the passage of any 2 or more of the
5 designated ordinances, orders, resolutions, or motions placed
6 together for voting purposes in a single group. The single vote
7 shall be entered separately in the journal under the
8 designation "omnibus vote", and in that event the clerk may
9 enter the words "omnibus vote" or "consent agenda" in the
10 journal in each case instead of entering the names of the
11 members of city council voting "yea" and those voting "nay" on
12 the passage of each of the designated ordinances, orders,
13 resolutions, and motions included in the omnibus group or
14 consent agenda. The taking of a single or omnibus vote and the
15 entries of the words "omnibus vote" or "consent agenda" in the
16 journal shall be a sufficient compliance with the requirements
17 of this Section to all intents and purposes and with like
18 effect as if the vote in each case had been taken separately by
19 yeas and nays on the question of the passage of each ordinance,
20 order, resolution, and motion included in the omnibus group and
21 separately recorded in the journal. Likewise, the yeas and nays
22 shall be taken upon the question of the passage of any other
23 resolution or motion at the request of any alderman and shall
24 be recorded in the journal.

25 (Source: P.A. 87-1119.)

1 (65 ILCS 5/3.1-40-65 new)

2 Sec. 3.1-40-65. Charitable spending. Any proposal for the
3 expenditure of tax dollars on a charitable or non-profit
4 organization by the municipality shall be listed as a separate
5 item on the city council's agenda and is subject to the voting
6 requirements of Section 40 of this Division. This Section is a
7 limitation under subsection (i) of Section 6 of Article VII of
8 the Illinois Constitution on the concurrent exercise by home
9 rule municipalities of powers and functions exercised by the
10 State.

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