



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4244

by Rep. David McSweeney

SYNOPSIS AS INTRODUCED:

10 ILCS 5/28-7 from Ch. 46, par. 28-7
55 ILCS 5/5-1184 new
60 ILCS 1/Art. 24 heading new
60 ILCS 1/24-5 new
60 ILCS 1/24-10 new
60 ILCS 1/24-15 new
60 ILCS 1/24-20 new
60 ILCS 1/24-25 new
60 ILCS 1/24-30 new

Amends the Township Code. Provides that township electors in McHenry County may petition for a referendum at the next election to dissolve a township. Sets forth the requirements for the petition, together with the form and requirements for the ballot referendum to approve the dissolution. Provides for the transfer to McHenry County of all real and personal property, and any other assets, together with all personnel, contractual obligations, and liabilities of the dissolving township. Provides that all road districts wholly within the boundaries of the dissolving township are dissolved on the date of dissolution of the dissolving township and the powers and responsibilities of the road district are transferred to McHenry County. Provides that municipalities within the dissolving township may elect to assume the duties and responsibilities of the road district or road districts. Amends the Election Code and Counties Code making conforming changes. Effective immediately.

LRB100 17130 AWJ 32366 b

FISCAL NOTE ACT
MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

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 1. Legislative intent. It is the intent of the
5 General Assembly that this Act further the intent of Section 5
6 of Article VII of the Illinois Constitution, which states, in
7 relevant part, that townships "may be consolidated or merged,
8 and one or more townships may be dissolved or divided, when
9 approved by referendum in each township affected".
10 Transferring the powers and duties of one or more dissolved
11 McHenry County townships into the county, as the supervising
12 unit of local government within which the township or townships
13 are situated, will reduce the overall number of local
14 governmental units within our State. This reduction is declared
15 to be a strong goal of Illinois public policy.

16 Section 5. The Election Code is amended by changing Section
17 28-7 as follows:

18 (10 ILCS 5/28-7) (from Ch. 46, par. 28-7)

19 Sec. 28-7. Except as provided in Article 24 of the Township
20 Code, in ~~in~~ any case in which Article VII or paragraph (a) of
21 Section 5 of the Transition Schedule of the Constitution
22 authorizes any action to be taken by or with respect to any

1 unit of local government, as defined in Section 1 of Article
2 VII of the Constitution, by or subject to approval by
3 referendum, any such public question shall be initiated in
4 accordance with this Section.

5 Any such public question may be initiated by the governing
6 body of the unit of local government by resolution or by the
7 filing with the clerk or secretary of the governmental unit of
8 a petition signed by a number of qualified electors equal to or
9 greater than at least 8% of the total votes cast for candidates
10 for Governor in the preceding gubernatorial election,
11 requesting the submission of the proposal for such action to
12 the voters of the governmental unit at a regular election.

13 If the action to be taken requires a referendum involving 2
14 or more units of local government, the proposal shall be
15 submitted to the voters of such governmental units by the
16 election authorities with jurisdiction over the territory of
17 the governmental units. Such multi-unit proposals may be
18 initiated by appropriate resolutions by the respective
19 governing bodies or by petitions of the voters of the several
20 governmental units filed with the respective clerks or
21 secretaries.

22 This Section is intended to provide a method of submission
23 to referendum in all cases of proposals for actions which are
24 authorized by Article VII of the Constitution by or subject to
25 approval by referendum and supersedes any conflicting
26 statutory provisions except those contained in Division 2-5 of

1 the Counties Code or Article 24 of the Township Code ~~the~~
2 ~~"County Executive Act"~~.

3 Referenda provided for in this Section may not be held more
4 than once in any 23-month period on the same proposition,
5 provided that in any municipality a referendum to elect not to
6 be a home rule unit may be held only once within any 47-month
7 period.

8 (Source: P.A. 97-81, eff. 7-5-11; revised 9-22-17.)

9 Section 10. The Counties Code is amended by adding Section
10 5-1184 as follows:

11 (55 ILCS 5/5-1184 new)

12 Sec. 5-1184. Dissolution of townships in McHenry County. If
13 a township in McHenry County dissolves as provided in Article
14 24 of the Township Code, McHenry County shall assume the
15 powers, duties, and obligations of each dissolved township as
16 provided in Article 24 of the Township Code.

17 Section 15. The Township Code is amended by adding Article
18 24 as follows:

19 (60 ILCS 1/Art. 24 heading new)

20 ARTICLE 24. DISSOLUTION OF
21 TOWNSHIPS IN MCHENRY COUNTY

1 (60 ILCS 1/24-5 new)

2 Sec. 24-5. Scope. The method of dissolution of a township
3 in McHenry County under this Article shall be in addition to
4 any other method of dissolving a township provided by law or
5 otherwise.

6 (60 ILCS 1/24-10 new)

7 Sec. 24-10. Definition. As used in this Article, "electors"
8 means the registered voters of any single township in McHenry
9 County.

10 (60 ILCS 1/24-15 new)

11 Sec. 24-15. Petition requirements; notice.

12 (a) Subject to the petition requirements of Section 28-3 of
13 the Election Code, petitions for a referendum to dissolve a
14 township located in McHenry County must be filed with the
15 governing board of the township, the county board of McHenry
16 County, and the McHenry County Clerk not less than 122 days
17 prior to any election held throughout the township. Petitions
18 must include:

19 (1) the name of the dissolving township;

20 (2) the date of dissolution; and

21 (3) signatures of a number of electors equal to or
22 greater than 5% of the total votes cast in the township in
23 the preceding election that is of an election type
24 comparable to the election for which the petition is being

1 filed; all signatures gathered under this paragraph (3)
2 must be signed within 365 days prior to the filing of a
3 petition.

4 (b) The proposed date of dissolution shall be at least 90
5 days after the date of the election at which the referendum is
6 to be voted upon.

7 (c) If a valid petition is filed under subsection (a), then
8 the McHenry County Clerk shall, by publication in one or more
9 newspapers of general circulation within the county, not less
10 than 90 days prior to the election at which the referendum is
11 to be voted on, give notice in substantially the following
12 form:

13 NOTICE OF PETITION TO DISSOLVE (dissolving township).
14 Residents of (dissolving township) and McHenry County are
15 notified that a petition has been filed with (dissolving
16 township) and McHenry County requesting a referendum to
17 dissolve (dissolving township) on (date of dissolution)
18 with all real and personal property, and any other assets,
19 together with all personnel, contractual obligations, and
20 liabilities being transferred to McHenry County.

21 (60 ILCS 1/24-20 new)

22 Sec. 24-20. Ballot placement. A petition that meets the
23 requirements of Section 24-15 shall be placed on the ballot in
24 the form provided for in Section 24-25 at the election next

1 following.

2 (60 ILCS 1/24-25 new)

3 Sec. 24-25. Referendum; voting.

4 (a) Subject to the requirements of Section 16-7 of the
5 Election Code, the referendum described in Section 24-20 shall
6 be in substantially the following form on the ballot:

7 -----

8 Shall the (dissolving YES
9 township) be dissolved on (date

10 of dissolution) with all of -----

11 its property, assets, personnel,
12 obligations, and liabilities being
13 transferred to McHenry County?

NO

14 -----

15 (b) The referendum is approved when a majority of those
16 voting in the election from the dissolving township approve the
17 referendum.

18 (60 ILCS 1/24-30 new)

19 Sec. 24-30. Dissolution; transfer of rights and duties.
20 When the dissolution of a township has been approved under
21 Section 24-25:

22 (1) On or before the date of dissolution, all real and
23 personal property, and any other assets, together with all
24 personnel, contractual obligations, and liabilities of the

1 dissolving township shall be transferred to McHenry
2 County.

3 (2) On the date of dissolution, the dissolving township
4 is dissolved.

5 (3) On and after the date of dissolution, all rights
6 and duties of the dissolved township may be exercised by
7 the governing board of the receiving unit of local
8 government.

9 (4) All road districts wholly within the boundaries of
10 the dissolving township are dissolved on the date of
11 dissolution of the dissolving township and all powers and
12 responsibilities of each road district are transferred to
13 McHenry County except as provided in paragraph (5).

14 (5) The county board of McHenry County shall give
15 written notice to each municipality whose governing board
16 meets within the boundaries of a dissolving township that
17 the municipality may make an offer, on or before 60 days
18 after the date of dissolution of the dissolving township,
19 that the municipality will assume all of the powers and
20 responsibilities of a road district or road districts
21 wholly inside the dissolving township. The notice shall be
22 sent to each municipality on or before 30 days after the
23 date of dissolution of the township. Any eligible
24 municipality may, with consent of its governing board, make
25 an offer to assume all of the powers and responsibilities
26 of the dissolving township's road district or road

1 districts. A municipality may offer to assume the powers
2 and responsibilities only for a limited period of time. If
3 one or more offers are received by McHenry County on or
4 before 60 days after the date of dissolution of the
5 dissolving township, the county board of McHenry County
6 shall select the best offer or offers that the board
7 determines would be in the best interest and welfare of the
8 affected resident population. If no municipality makes an
9 offer, the powers and duties of the dissolving township's
10 road district or road districts are retained by McHenry
11 County.

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