

SB0773



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB0773

Introduced 2/1/2017, by Sen. Julie A. Morrison

SYNOPSIS AS INTRODUCED:

60 ILCS 1/10-25

70 ILCS 605/10-12 new

605 ILCS 5/6-130

605 ILCS 5/6-130.5 new

from Ch. 121, par. 6-130

Amends the Township Code. Removes a restriction limiting townships to 126 square miles. Amends the Illinois Drainage Code. Provides that counties with a population of more than 500,000 and less than 3,000,000 may, by resolution, dissolve drainage districts wholly within their borders if the county board appoints the drainage commissioners with the county assuming all powers (including the ability to tax as a drainage district), obligations, and functions of the drainage district and district board. Further provides that a county may dissolve and take over the powers, obligations, and functions of a drainage district and board only partially within its borders if the county appoints a majority of commissioners to the district board and the other counties which contain a portion of the district consent through intergovernmental agreement. Contains notice requirements for the dissolution of a drainage district. Amends the Illinois Highway Code. Provides that a township road district, with roads of less than a total of 15 miles in length, may be abolished by public referendum. Makes other changes. Effective immediately.

LRB100 05646 AWJ 15660 b

FISCAL 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 Township Code is amended by changing Section
5 10-25 as follows:

6 (60 ILCS 1/10-25)

7 Sec. 10-25. Plan for changes in townships.

8 (a) The county board of each county may, subject to a
9 referendum in the townships affected as provided in this
10 Section, adopt a plan for altering the boundaries of townships,
11 changing township lines, dividing, enlarging, or consolidating
12 townships, or creating new townships, so that each township
13 shall possess an equalized assessed valuation of not less than
14 \$10,000,000 as of the 1982 assessment year ~~or an area of not~~
15 ~~more than 126 square miles.~~

16 (b) No alteration or change in boundaries shall be
17 effective unless approved by a referendum in each township
18 affected. The election authority shall submit to the voters of
19 each township affected, at a regular election to be held not
20 less than 60 days after the plan is adopted, the question of
21 approving the alteration or change. The alterations or changes,
22 if approved by the voters, shall take effect on the date of the
23 next township election and shall be applicable to that

1 election. If there is doubt as to the township clerk with whom
2 nomination papers for that election should be filed, the county
3 board shall designate the clerk. In the alteration of
4 boundaries, a county board may not disturb urban or coterminous
5 townships in existence on October 1, 1978.

6 (Source: P.A. 84-1308; 88-62.)

7 Section 10. The Illinois Drainage Code is amended by adding
8 Section 10-12 as follows:

9 (70 ILCS 605/10-12 new)

10 Sec. 10-12. Dissolution in specified counties.
11 Notwithstanding any provision of law to the contrary, and in
12 counties with a population of more than 500,000 and less than
13 3,000,000:

14 (a) If a drainage district is located wholly within a
15 county and the county appoints the commissioners to the board
16 of the drainage district, then the county board of that county
17 may, by resolution after a public hearing, dissolve the
18 drainage district. No resolution to dissolve a drainage
19 district shall be adopted without the county board (1) causing
20 to be published notice of the public hearing including the
21 proposed resolution in a newspaper of general circulation in
22 the drainage district at least 30 days prior to the hearing and
23 (2) sending a notice by mail of the public hearing and the
24 proposed resolution to all known landowners and residents of

1 the drainage district at least 30 days prior to the hearing.
2 Ninety days after the adoption of a resolution under this
3 subsection (a): the drainage district is dissolved and all
4 rights, powers, duties, assets, and property, together with all
5 personnel, contractual obligations, other obligations,
6 responsibilities, and liabilities of the dissolved drainage
7 district shall vest in and be assumed by the county; all
8 commissioners of a dissolved drainage district shall cease to
9 hold office; the county board shall assume all taxing authority
10 of the dissolved drainage district; and the county board shall
11 assume all functions of the dissolved drainage district's board
12 and commissioners.

13 (b) If a drainage district is located in more than one
14 county and a county appoints a majority of commissioners to the
15 board of the drainage district, then the county board of that
16 county may, by resolution after a public hearing, dissolve the
17 drainage district if an intergovernmental agreement under the
18 Intergovernmental Cooperation Act has been entered into by all
19 counties in which any portion of the drainage district is
20 located. No resolution to dissolve a drainage district shall be
21 adopted without the county board (1) causing to be published
22 notice of the public hearing including the proposed resolution
23 in a newspaper of general circulation in the drainage district
24 at least 30 days prior to the hearing and (2) sending a notice
25 by mail of the public hearing and the proposed resolution to
26 all known landowners and residents of the drainage district at

1 least 30 days prior to the hearing. Ninety days after the
2 adoption of a resolution under this subsection (b): the
3 drainage district is dissolved and all rights, powers, duties,
4 assets, and property, together with all personnel, contractual
5 obligations, other obligations, responsibilities, and
6 liabilities of the drainage district shall vest in and be
7 assumed by the county passing the resolution; all commissioners
8 of the dissolved drainage district shall cease to hold office;
9 the county board of the county passing the resolution shall
10 assume all taxing authority of the dissolved drainage district;
11 and the county board of the county passing the resolution shall
12 assume all functions of the dissolved drainage district's board
13 and commissioners.

14 Section 15. The Illinois Highway Code is amended by
15 changing Section 6-130 and by adding Section 6-130.5 as
16 follows:

17 (605 ILCS 5/6-130) (from Ch. 121, par. 6-130)

18 Sec. 6-130. Mandatory and permissive road district
19 abolishment.

20 (a) Notwithstanding any other provision of this Act to the
21 contrary, no township road district may continue in existence
22 if the roads forming a part of the district do not exceed a
23 total of 4 miles in length as determined by the county engineer
24 or county superintendent of highways. ~~For purposes of this~~

1 ~~Section, the roads forming a part of a township road district~~
2 ~~include those roads maintained by the district, regardless of~~
3 ~~whether or not those roads are owned by the township.~~ On the
4 first Tuesday in April of 1975, or of any subsequent year next
5 succeeding the reduction of a township road system to a total
6 mileage of 4 miles or less, each such township road district
7 shall, by operation of law, be abolished. The roads comprising
8 that district at that time shall thereafter be administered by
9 the township board of trustees by contracting with the county,
10 a municipality or a private contractor. The township board of
11 trustees shall assume all taxing authority of a township road
12 district abolished under this Section.

13 (b) Notwithstanding any provision of law to the contrary, a
14 township road district may be abolished as provided in Section
15 6-130.5 of this Act, if the roads forming part of the district
16 are less than a total of 15 miles in length.

17 (Source: P.A. 94-884, eff. 6-20-06.)

18 (605 ILCS 5/6-130.5 new)

19 Sec. 6-130.5. Abolishing a road district with less than 15
20 miles of roads.

21 (a) Any township may abolish a road district of that
22 township if the roads of the district of that township are less
23 than 15 miles in length, as determined by the county engineer
24 or county superintendent of highways, by resolution of a
25 majority of the board of trustees to submit a referendum to

1 abolish the road district of that township. The referendum
 2 shall be submitted to the electors of that township at the next
 3 general election or consolidated election in accordance with
 4 the general election law. The ballot shall be in substantially
 5 the following form:

6 -----
 7 Shall the Road District of the Township of
 8 be abolished with all the rights,
 9 powers, duties, assets, property, liabilities, YES
 10 obligations, and responsibilities being assumed -----
 11 by the Township of ? NO
 12 -----

13 (b) If a majority of the electors voting on the referendum
 14 under subsection (a) of this Section are in favor of abolishing
 15 the township road district, then the road district is abolished
 16 on the January 1 following the approval of the resolution or
 17 referendum.

18 On the date of abolishment: all the rights, powers, duties,
 19 assets, property, liabilities, obligations, and
 20 responsibilities of the road district shall by operation of law
 21 vest in and be assumed by the township; the township board of
 22 trustees shall assume all taxing authority of a road district
 23 abolished under this Section; any highway commissioner of the
 24 abolished road district shall cease to hold office; the
 25 township shall exercise all duties and responsibilities of the
 26 highway commissioner as provided in the Illinois Highway Code;

1 and for purposes of distribution of revenue, the township shall
2 assume the powers, duties, and obligations of the road
3 district. The township board of trustees may enter into a
4 contract with the county, a municipality, or a private
5 contractor to administer the roads added to its jurisdiction
6 under this Section.

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.