



Rep. Sam Yingling

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LRB100 03840 AWJ 27799 a

1 AMENDMENT TO HOUSE BILL 171

2 AMENDMENT NO. _____. Amend House Bill 171 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. If and only if Senate Bill 3 of the 100th
5 General Assembly becomes law and House Bill 607 of the 100th
6 General Assembly becomes law, then the Election Code is amended
7 by changing Section 28-7 as follows:

8 (10 ILCS 5/28-7) (from Ch. 46, par. 28-7)

9 Sec. 28-7. Except as provided in Sections 22-12 and 23-17
10 of the Township Code, in ~~in~~ any case in which Article VII or
11 paragraph (a) of Section 5 of the Transition Schedule of the
12 Constitution authorizes any action to be taken by or with
13 respect to any unit of local government, as defined in Section
14 1 of Article VII of the Constitution, by or subject to approval
15 by referendum, any such public question shall be initiated in
16 accordance with this Section.

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

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

18 This Section is intended to provide a method of submission
19 to referendum in all cases of proposals for actions which are
20 authorized by Article VII of the Constitution by or subject to
21 approval by referendum and supersedes any conflicting
22 statutory provisions except those contained in Section 22-12 of
23 the Township Code, Section 23-17 of the Township Code, and
24 Division 2-5 of the Counties Code ~~the "County Executive Act"~~.

25 Referenda provided for in this Section may not be held more
26 than once in any 23-month period on the same proposition,

1 provided that in any municipality a referendum to elect not to
2 be a home rule unit may be held only once within any 47-month
3 period.

4 (Source: P.A. 97-81, eff. 7-5-11.)

5 Section 10. If and only if Senate Bill 3 of the 100th
6 General Assembly becomes law and House Bill 607 of the 100th
7 General Assembly becomes law, then the Township Code is amended
8 by changing Sections 22-10 and 23-15 and by adding Sections
9 22-12 and 23-17 as follows:

10 (60 ILCS 1/22-10)

11 Sec. 22-10. Referendum.

12 (a) Upon the adoption of resolutions under Section 22-5 by
13 each township or the submission of petitions meeting the
14 requirements of Section 22-12, the township boards shall
15 certify the question to the proper election authority, or the
16 circuit court for the county in which each township is located
17 shall certify the question to the proper election authority for
18 submission of petitions meeting the requirements of Section
19 22-12, and the authority shall cause to be submitted to the
20 voters of each township at the general election specified in
21 the resolutions or petitions a referendum to consolidate the
22 townships. The referendum shall be substantially in the
23 following form:

24 Shall (names of townships) be consolidated into [a new

1 township called (name of proposed consolidated
2 township)/the township of (name of existing township)]?

3 The votes shall be recorded as "Yes" or "No".

4 A ~~The~~ referendum initiated upon the adoption of resolutions
5 under Section 22-5 is approved when a majority of the voters,
6 in each of the affected townships, approve the referendum. A
7 referendum initiated by petitions meeting the requirements of
8 Section 22-12 is approved when 60% of the voters, in each of
9 the affected townships, approve the referendum.

10 (b) Before a referendum appears on the ballot under
11 subsection (a), each township board shall publish a copy of the
12 adopted resolution on the main page of the townships' websites,
13 if any, and in a newspaper having a general circulation in each
14 of the townships affected. The notice shall be published at
15 least 30 days before the date of the general election in which
16 the referendum will appear.

17 Each township board shall additionally mail a copy of the
18 adopted resolution, along with a copy of the referendum
19 language and a list of all taxes levied for general township
20 purposes in the affected townships, to every registered voter
21 in each township affected. The notice shall be mailed at least
22 30 days before the date of the general election in which the
23 referendum will appear.

24 (c) Notwithstanding any provision of law to the contrary,
25 no tax rate may be extended for any fund of the consolidated
26 district for the first levy year of the consolidated district

1 that exceeds any statutory maximum set forth for that fund,
2 unless the referendum also conforms to the requirements of the
3 Property Tax Extension Limitation Law or other statutory
4 provision setting forth that limitation.

5 (Source: 100SB0003enr.)

6 (60 ILCS 1/22-12 new)

7 Sec. 22-12. Voter-initiated township consolidation.

8 (a) In the counties of Cass, Henderson, and Cumberland, a
9 referendum to propose township consolidation under this
10 Article may also be initiated by petitions meeting the
11 requirements of subsection (b).

12 (b) Subject to the petition requirements of the Election
13 Code, petitions for a referendum to consolidate under this
14 Section must be filed with the circuit court for the county in
15 which the affected townships are located not less than 122 days
16 prior to the election at which the referendum will be voted. A
17 petition must be filed for each consolidating township and
18 shall be signed by not less than 10% of the total number of
19 electors voting at the last general election in each township.
20 All signatures gathered must be signed within 365 days prior to
21 the filing of the petitions.

22 (c) Upon filing the petitions with the circuit court, the
23 parties so filing shall publish notice in a newspaper of
24 general circulation within the territory of the townships
25 affected. Failure to publish the required notice of petitions

1 shall render the petition, and the results of any referendum
2 held on the petition, null and void.

3 (d) Upon the submission of petitions requesting township
4 consolidation under this Section, the clerk of the circuit
5 court shall submit copies of all the petitions to the governing
6 board of each affected township. The clerk of the circuit court
7 shall then certify the question to the proper election
8 authorities in accordance with the Election Code.

9 (e) After certification of the question, each township
10 board shall hold a public hearing on the matter of
11 consolidation after notice of the hearing has been published on
12 the main page of the townships' websites, if any, and in a
13 newspaper having a general circulation in the townships
14 affected. The notice shall be published at least 30 days before
15 the date of the hearing. The notice shall contain, at a
16 minimum, the name of all townships that will be consolidating
17 and a description of the area of consolidation.

18 (f) A referendum under this Section may be held no earlier
19 than the general election in the year 2020.

20 (60 ILCS 1/23-15)

21 Sec. 23-15. Referendum and notices.

22 (a) Upon the adoption of resolutions under Section 23-10 by
23 all townships or the submission of petitions meeting the
24 requirements of Section 23-17, the township boards shall
25 certify the question to the proper election authority, or the

1 circuit court for the county in which each township is located
2 shall certify the question to the proper election authority for
3 submission of petitions meeting the requirements of Section
4 23-17, and the authority shall cause to be submitted to the
5 voters of all townships at the general election specified in
6 the resolutions or petitions a referendum to consolidate the
7 townships. The referendum shall be substantially in the
8 following form:

9 Shall (name of dissolving township) be dissolved into
10 (names of receiving townships)?

11 The votes shall be recorded as "Yes" or "No".

12 A ~~The~~ referendum initiated upon the adoption of resolutions
13 under Section 23-10 is approved when a majority of the voters,
14 in each of the affected townships, approve the referendum. A
15 referendum initiated by petitions meeting the requirements of
16 Section 23-17 is approved when 60% of the voters, in each of
17 the affected townships, approve the referendum.

18 (b) Before a referendum appears on the ballot under
19 subsection (a), the township boards shall publish a copy of the
20 adopted resolution on the main page of the townships' websites,
21 if any, and in a newspaper having a general circulation in each
22 of the townships affected. The notice shall be published at
23 least 30 days before the date of the general election.

24 Each township board shall additionally mail a copy of the
25 adopted resolution, along with a copy of the referendum
26 language and a list of all taxes levied for general township

1 purposes in the affected townships, to every registered voter
2 in each township affected. The notice shall be mailed at least
3 30 days before the date of the general election in which the
4 referendum will appear.

5 (c) Notwithstanding any provision of law to the contrary,
6 no tax rate may be extended for any fund of the consolidated
7 district for the first levy year of the consolidated district
8 that exceeds any statutory maximum set forth for that fund,
9 unless the referendum also conforms to the requirements of the
10 Property Tax Extension Limitation Law or other statutory
11 provision setting forth that limitation.

12 (Source: 100SB0003enr.)

13 (60 ILCS 1/23-17 new)

14 Sec. 23-17. Voter-initiated township consolidation.

15 (a) In the counties of Cass, Henderson, and Cumberland, a
16 referendum to propose township consolidation under this
17 Article may also be initiated by petitions meeting the
18 requirements of subsection (b).

19 (b) Subject to the petition requirements of the Election
20 Code, petitions for a referendum to consolidate under this
21 Section must be filed with the circuit court for the county in
22 which the affected townships are located not less than 122 days
23 prior to the election at which the referendum will be voted. A
24 petition must be filed for each consolidating township and
25 shall be signed by not less than 10% of the total number of

1 electors voting at the last general election in each township.
2 All signatures gathered must be signed within 365 days prior to
3 the filing of the petitions.

4 (c) Upon filing the petitions with the circuit court, the
5 parties so filing shall publish notice in a newspaper of
6 general circulation within the territory of the townships
7 affected. Failure to publish the required notice of petitions
8 shall render the petition, and the results of any referendum
9 held on the petition, null and void.

10 (d) Upon the submission of petitions requesting township
11 consolidation under this Section, the clerk of the circuit
12 court shall submit copies of all the petitions to the governing
13 board of each affected township. The clerk of the circuit court
14 shall then certify the question to the proper election
15 authorities in accordance with the Election Code.

16 (e) After certification of the question, each township
17 board shall hold a public hearing on the matter of
18 consolidation after notice of the hearing has been published on
19 the main page of the townships' websites, if any, and in a
20 newspaper having a general circulation in the townships
21 affected. The notice shall be published at least 30 days before
22 the date of the hearing. The notice shall contain, at a
23 minimum, the name of all townships that will be consolidating
24 and a description of the area of consolidation.

25 (f) A referendum under this Section may be held no earlier
26 than the general election in the year 2020.

1 Section 15. If and only if Senate Bill 3 of the 100th
 2 General Assembly becomes law and House Bill 607 of the 100th
 3 General Assembly becomes law, then the Illinois Highway Code is
 4 amended by changing Sections 6-134 and 6-135 and by adding
 5 Section 6-136 as follows:

6 (605 ILCS 5/6-134)

7 Sec. 6-134. Abolishing a road district. By resolution⁷ of
 8 the board of trustees of any township located in a county with
 9 less than 3,000,000 inhabitants or by the submission of a
 10 petition meeting the requirements of Section 6-136 by electors
 11 of any township located in a county with less than 3,000,000
 12 inhabitants, a proposition to abolish the road district of that
 13 township may be submitted to the electors of that township, by
 14 the board of trustees if by resolution or by the circuit court
 15 if by petition, at a general election or consolidated election
 16 in accordance with the general election law. The ballot shall
 17 be in substantially the following form:

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19	Shall the Road District of the Township of	
20 be abolished with all the rights,	
21	powers, duties, assets, property, liabilities,	YES
22	obligations, and responsibilities being assumed	-----
23	by the Township of ?	NO

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2 In the event that a majority of the electors voting on such
3 proposition initiated by a majority of the township board of
4 trustees are in favor thereof, then the road district shall be
5 abolished on the January 1 following the approval of the
6 referendum ~~by operation of law effective 90 days after vote~~
7 ~~certification by the governing election authority~~ or on the
8 date the term of the highway commissioner in office at the time
9 the proposition was approved by the electors expires, whichever
10 is later. If 60% of the electors voting on a referendum
11 initiated by a petition meeting the requirements of Section
12 6-136 are in favor of abolishing the township road district,
13 then the road district is abolished on the January 1 following
14 the approval of the referendum or on the date the term of the
15 highway commissioner in office at the time the referendum was
16 approved expires, whichever is later.

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On that date, all the rights, powers, duties, assets, property, liabilities, obligations, and responsibilities of the road district shall by operation of law vest in and be assumed by the township. On that date, the township board of trustees shall assume all taxing authority of a road district abolished under this Section. On that date, any highway commissioner of the abolished road district shall cease to hold office, such term having been terminated. Thereafter, the township shall exercise all duties and responsibilities of the

1 highway commissioner as provided in the Illinois Highway Code.
 2 The township board of trustees may enter into a contract with
 3 the county, a municipality, or a private contractor to
 4 administer the roads under its jurisdiction. The township board
 5 of trustees shall assume all taxing authority of a township
 6 road district abolished under this subsection. For purposes of
 7 distribution of revenue, the township shall assume the powers,
 8 duties, and obligations of the road district.

9 (Source: 100HB0607enr.)

10 (605 ILCS 5/6-135)

11 Sec. 6-135. Abolishing a road district with less than 15
 12 miles of roads.

13 (a) Any township in a county with a population less than
 14 3,000,000 may abolish a road district of that township if the
 15 roads of the road district are less than 15 miles in length, as
 16 determined by the county engineer or county superintendent of
 17 highways, by resolution of a majority of the board of trustees
 18 to submit a referendum to abolish the road district of that
 19 township or the submission of a petition meeting the
 20 requirements of Section 6-136. The referendum shall be
 21 submitted to the electors of that township at the next general
 22 election or consolidated election in accordance with the
 23 general election law. The ballot shall be in substantially the
 24 following form:

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1 abolished road district shall cease to hold office; the
2 township shall exercise all duties and responsibilities of the
3 highway commissioner as provided in the Illinois Highway Code;
4 and for purposes of distribution of revenue, the township shall
5 assume the powers, duties, and obligations of the road
6 district. The township board of trustees may enter into a
7 contract with the county, a municipality, or a private
8 contractor to administer the roads added to its jurisdiction
9 under this Section.

10 (Source: 100SB0003enr.)

11 (605 ILCS 5/6-136 new)

12 Sec. 6-136. Voter-initiated road district consolidation.

13 (a) In the counties of Cass, Henderson, and Cumberland, a
14 referendum to propose road district consolidation under
15 Section 6-134 or 6-135 of this Code may also be initiated by a
16 petition meeting the requirements of subsection (b) of this
17 Section.

18 (b) To initiate a referendum under this Section, a petition
19 must be filed with the circuit court for the county in which
20 the township road district is located. The petition shall be
21 signed by not less than 10% of the total number of electors
22 voting at the last general election in the affected township
23 road district.

24 (c) Upon the submission of a petition requesting township
25 road district consolidation under this Section, the clerk of

1 the circuit court shall submit copies of the petition to the
2 governing board of the township road district. The clerk of the
3 circuit court shall then certify the question to the proper
4 election authorities in accordance with the Election Code and
5 the question shall be submitted to the electors as provided in
6 subsection (a) of Section 6-134 or subsection (a) of Section
7 6-135.

8 (d) The governing board of the affected road district and
9 the governing board of the affected township must each hold a
10 public hearing on the issue of consolidation no more than 60
11 days prior to the general election at which the referendum
12 under this Section shall be voted upon.

13 (e) A referendum under this Section may be held no earlier
14 than the general election in the year 2020."