



Rep. Sam Yingling

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LRB100 19741 AWJ 36905 a

1 AMENDMENT TO HOUSE BILL 4637

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4637 by replacing  
3 everything after the enacting clause with the following:

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

1 28-7 as follows:

2 (10 ILCS 5/28-7) (from Ch. 46, par. 28-7)

3 Sec. 28-7. Except as provided in Article 24 of the Township  
4 Code, in ~~in~~ any case in which Article VII or paragraph (a) of  
5 Section 5 of the Transition Schedule of the Constitution  
6 authorizes any action to be taken by or with respect to any  
7 unit of local government, as defined in Section 1 of Article  
8 VII of the Constitution, by or subject to approval by  
9 referendum, any such public question shall be initiated in  
10 accordance with this Section.

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

19 If the action to be taken requires a referendum involving 2  
20 or more units of local government, the proposal shall be  
21 submitted to the voters of such governmental units by the  
22 election authorities with jurisdiction over the territory of  
23 the governmental units. Such multi-unit proposals may be  
24 initiated by appropriate resolutions by the respective  
25 governing bodies or by petitions of the voters of the several

1 governmental units filed with the respective clerks or  
2 secretaries.

3 This Section is intended to provide a method of submission  
4 to referendum in all cases of proposals for actions which are  
5 authorized by Article VII of the Constitution by or subject to  
6 approval by referendum and supersedes any conflicting  
7 statutory provisions except those contained in Division 2-5 of  
8 the Counties Code or Article 24 of the Township Code ~~the~~  
9 ~~"County Executive Act"~~.

10 Referenda provided for in this Section may not be held more  
11 than once in any 23-month period on the same proposition,  
12 provided that in any municipality a referendum to elect not to  
13 be a home rule unit may be held only once within any 47-month  
14 period.

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

16 Section 10. The Counties Code is amended by adding Section  
17 5-1184 as follows:

18 (55 ILCS 5/5-1184 new)

19 Sec. 5-1184. Dissolution of townships in McHenry County. If  
20 a township in McHenry County dissolves as provided in Article  
21 24 of the Township Code, McHenry County shall assume the  
22 powers, duties, and obligations of each dissolved township as  
23 provided in Article 24 of the Township Code.

1 Section 15. The Township Code is amended by adding Article  
2 24 as follows:

3 (60 ILCS 1/Art. 24 heading new)

4 ARTICLE 24. DISSOLUTION OF  
5 TOWNSHIPS IN MCHENRY COUNTY

6 (60 ILCS 1/24-5 new)

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

11 (60 ILCS 1/24-10 new)

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

15 (60 ILCS 1/24-15 new)

16 Sec. 24-15. Dissolving a township in McHenry County. By  
17 resolution, the board of trustees of any township located in  
18 McHenry County may submit a proposition to dissolve the  
19 township to the electors of that township at the election next  
20 following in accordance with the general election law. The  
21 ballot shall be as provided for in Section 24-30.

1 (60 ILCS 1/24-20 new)

2 Sec. 24-20. Petition requirements; notice.

3 (a) Subject to the petition requirements of Section 28-3 of  
4 the Election Code, petitions for a referendum to dissolve a  
5 township located in McHenry County must be filed with the  
6 governing board of the township, the county board of McHenry  
7 County, and the McHenry County Clerk not less than 122 days  
8 prior to any election held throughout the township. Petitions  
9 must include:

10 (1) the name of the dissolving township;

11 (2) the date of dissolution; and

12 (3) signatures of a number of electors equal to or  
13 greater than 5% of the total votes cast in the township in  
14 the preceding election that is of an election type  
15 comparable to the election for which the petition is being  
16 filed; all signatures gathered under this paragraph (3)  
17 must be signed within 365 days prior to the filing of a  
18 petition.

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

22 (c) If a valid petition is filed under subsection (a), then  
23 the McHenry County Clerk shall, by publication in one or more  
24 newspapers of general circulation within the county, not less  
25 than 90 days prior to the election at which the referendum is  
26 to be voted on, give notice in substantially the following

1 form:

2 NOTICE OF PETITION TO DISSOLVE (dissolving township).  
3 Residents of (dissolving township) and McHenry County are  
4 notified that a petition has been filed with (dissolving  
5 township) and McHenry County requesting a referendum to  
6 dissolve (dissolving township) on (date of dissolution)  
7 with all real and personal property, and any other assets,  
8 together with all personnel, contractual obligations, and  
9 liabilities being transferred to McHenry County.

10 (60 ILCS 1/24-25 new)

11 Sec. 24-25. Ballot placement. A petition that meets the  
12 requirements of Section 24-20 shall be placed on the ballot in  
13 the form provided for in Section 24-30 at the election next  
14 following.

15 (60 ILCS 1/24-30 new)

16 Sec. 24-30. Referendum; voting.

17 (a) Subject to the requirements of Section 16-7 of the  
18 Election Code, the referendum described in Section 24-25 shall  
19 be in substantially the following form on the ballot:

20 -----

21 Shall the (dissolving YES

22 township) be dissolved on (date

23 of dissolution) with all of -----

1 its property, assets, personnel,  
 2 obligations, and liabilities being NO  
 3 transferred to McHenry County?

4 -----  
 5 (b) The referendum is approved when a majority of those  
 6 voting in the election from the dissolving township approve the  
 7 referendum.

8 (60 ILCS 1/24-35 new)

9 Sec. 24-35. Dissolution; transfer of rights and duties.  
 10 When the dissolution of a township has been approved under  
 11 Section 24-30:

12 (1) On or before the date of dissolution, all real and  
 13 personal property, and any other assets, together with all  
 14 personnel, contractual obligations, and liabilities of the  
 15 dissolving township shall be transferred to McHenry  
 16 County. All township funds of the dissolved township shall  
 17 be used solely on behalf of the residents of the geographic  
 18 area within the boundaries of the dissolved township.

19 (2) On the date of dissolution, the dissolving township  
 20 is dissolved.

21 (3) On and after the date of dissolution, all rights  
 22 and duties of the dissolved township may be exercised by  
 23 the governing board of the receiving unit of local  
 24 government solely on behalf of the residents of the  
 25 geographic area within the boundaries of the dissolved

1       township.

2           (4) The governing board of the receiving unit of local  
3       government shall not extend a property tax levy that is  
4       greater than 90% of the property tax levy extended by the  
5       dissolved township for the duties taken on by the receiving  
6       unit of local government. This property tax levy may not be  
7       extended outside the boundaries of the dissolved township.  
8       In all subsequent years, this levy shall be bound by the  
9       provisions of the Property Tax Extension Limitation Law.

10          (5) All road districts wholly within the boundaries of  
11       the dissolving township are dissolved on the date of  
12       dissolution of the dissolving township, and all powers and  
13       responsibilities of each road district are transferred to  
14       McHenry County except as provided in paragraph (6).

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



1 of the dissolving township's road district or road  
2 districts. A municipality may offer to assume the powers  
3 and responsibilities only for a limited period of time. If  
4 one or more offers are received by McHenry County on or  
5 before 60 days after the date of dissolution of the  
6 dissolving township, the county board of McHenry County  
7 shall select the best offer or offers that the board  
8 determines would be in the best interest and welfare of the  
9 affected resident population. If no municipality makes an  
10 offer, the powers and duties of the dissolving township's  
11 road district or road districts are retained by McHenry  
12 County. The receiving unit of local government that assumes  
13 the powers and duties of the dissolving township's road  
14 district or road districts shall not extend a road district  
15 property tax levy under Division 5 of Article 6 of the  
16 Illinois Highway Code that is greater than 90% of the road  
17 district property tax levy that was extended by the county  
18 on behalf of the dissolving township's road district or  
19 road districts for the duties taken on by the receiving  
20 unit of local government.

21 Section 20. The Illinois Highway Code is amended by adding  
22 Section 6-140 as follows:

23 (605 ILCS 5/6-140 new)

24 Sec. 6-140. Abolishing a road district within Lake County

1 or McHenry County with less than 15 miles of roads. Any  
2 township in Lake County or McHenry County shall abolish a road  
3 district of that township if the roads of the road district are  
4 less than 15 centerline miles in length, as determined by the  
5 county engineer or county superintendent of highways. A road  
6 district is abolished on the expiration of the term of office  
7 of the highway commissioner of the road district facing  
8 abolition following the determination by the county engineer or  
9 county superintendent of highways of the length, in centerline  
10 mileage, of the roads within the road district to be abolished.

11 On the date of abolishment: all the rights, powers, duties,  
12 assets, property, liabilities, obligations, and  
13 responsibilities of the road district shall by operation of law  
14 vest in and be assumed by the township; the township board of  
15 trustees shall assume all taxing authority of a road district  
16 abolished under this Section; the township shall exercise all  
17 duties and responsibilities of the highway commissioner as  
18 provided in this Code; and for purposes of distribution of  
19 revenue, the township shall assume the powers, duties, and  
20 obligations of the road district. The township board of  
21 trustees may enter into a contract with the county, a  
22 municipality, or a private contractor to administer the roads  
23 added to its jurisdiction under this Section.

24 Section 99. Effective date. This Act takes effect upon  
25 becoming law."