

**100TH GENERAL ASSEMBLY****State of Illinois****2017 and 2018****SB0003**

Introduced 1/11/2017, by Sen. Thomas Cullerton

SYNOPSIS AS INTRODUCED:

See Index

Amends the Local Government Reduction and Efficiency Division of the Counties Code. Provides that the Division applies to all counties (currently, only applies to DuPage, Lake, and McHenry Counties). Excludes specified boards from the definition of "unit of local government". Provides how the status and rights of employees, including those represented by an exclusive bargaining representatives, are affected by the dissolution of a unit of local government under the Division. Provides for the assumption of obligations of the dissolving unit of local government by the entity absorbing the dissolving unit as they relate to representation rights and collective bargaining agreements. Amends the Township Code. Removes a restriction limiting townships to 126 square miles. Provides for the consolidation of 2 or more townships which share a boundary, the merging of one township into 2 other townships, and the dissolution of all townships (currently, only allowed in specified townships) within a coterminous, or substantially coterminous, municipality. Makes other changes. Amends the Election Code. Specifies procedures for township consolidation, merger, and discontinuance referenda. Amends the Illinois Drainage Code. Provides that specified counties may, by resolution, dissolve drainage districts wholly within their borders and drainage districts only partially within its borders under specified circumstances. Amends the Illinois Highway Code. Provides that specified township road districts may be abolished by public referendum. Effective on January 1, 2018, but this Act does not take effect at all unless Senate Bills 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 of the 100th General Assembly become law.

LRB100 06370 AWJ 16409 b

FISCAL NOTE ACT
MAY APPLYHOUSING
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 Election Code is amended by adding Section
5 3-7 and by changing Section 28-1 as follows:

6 (10 ILCS 5/3-7 new)

7 Sec. 3-7. Voters in consolidating and merging townships.

8 (a) In the consolidated election where township trustees
9 are elected next following the certification of a successful
10 referendum to consolidate townships under Article 22 of the
11 Township Code, the qualified electors entitled to caucus, vote
12 for, be nominated for, and run for offices in the consolidated
13 township that is to be formed are those registered voters
14 residing in any of the townships identified in the referendum
15 as they exist prior to consolidation.

16 (b) In the consolidated election where township trustees
17 are elected next following the certification of a successful
18 referendum to dissolve a township and merge its territory into
19 2 adjacent townships under Article 23 of the Township Code, the
20 qualified electors entitled to caucus, vote for, be nominated
21 for, and run for offices in a receiving township shall also
22 include those registered voters residing in the territory of
23 the dissolving township described in the resolutions adopted

1 under Section 23-10 of the Township Code as the territory to be
2 merged with the receiving township. For purposes of this
3 subsection (b) only, "dissolving township" and "receiving
4 township" have the meaning provided in Section 23-5 of the
5 Township Code.

6 (10 ILCS 5/28-1) (from Ch. 46, par. 28-1)

7 Sec. 28-1. The initiation and submission of all public
8 questions to be voted upon by the electors of the State or of
9 any political subdivision or district or precinct or
10 combination of precincts shall be subject to the provisions of
11 this Article.

12 Questions of public policy which have any legal effect
13 shall be submitted to referendum only as authorized by a
14 statute which so provides or by the Constitution. Advisory
15 questions of public policy shall be submitted to referendum
16 pursuant to Section 28-5 or pursuant to a statute which so
17 provides.

18 The method of initiating the submission of a public
19 question shall be as provided by the statute authorizing such
20 public question, or as provided by the Constitution.

21 All public questions shall be initiated, submitted and
22 printed on the ballot in the form required by Section 16-7 of
23 this Act, except as may otherwise be specified in the statute
24 authorizing a public question.

25 Whenever a statute provides for the initiation of a public

1 question by a petition of electors, the provisions of such
2 statute shall govern with respect to the number of signatures
3 required, the qualifications of persons entitled to sign the
4 petition, the contents of the petition, the officer with whom
5 the petition must be filed, and the form of the question to be
6 submitted. If such statute does not specify any of the
7 foregoing petition requirements, the corresponding petition
8 requirements of Section 28-6 shall govern such petition.

9 Irrespective of the method of initiation, not more than 3
10 public questions other than (a) back door referenda, (b)
11 referenda to determine whether a disconnection may take place
12 where a city coterminous with a township is proposing to annex
13 territory from an adjacent township, (c) referenda held under
14 the provisions of the Property Tax Extension Limitation Law in
15 the Property Tax Code, ~~or~~ (d) referenda held under Section
16 2-3002 of the Counties Code, or (e) referenda held under
17 Article 22, 23, or 29 of the Township Code may be submitted to
18 referendum with respect to a political subdivision at the same
19 election.

20 If more than 3 propositions are timely initiated or
21 certified for submission at an election with respect to a
22 political subdivision, the first 3 validly initiated, by the
23 filing of a petition or by the adoption of a resolution or
24 ordinance of a political subdivision, as the case may be, shall
25 be printed on the ballot and submitted at that election.
26 However, except as expressly authorized by law not more than

1 one proposition to change the form of government of a
2 municipality pursuant to Article VII of the Constitution may be
3 submitted at an election. If more than one such proposition is
4 timely initiated or certified for submission at an election
5 with respect to a municipality, the first validly initiated
6 shall be the one printed on the ballot and submitted at that
7 election.

8 No public question shall be submitted to the voters of a
9 political subdivision at any regularly scheduled election at
10 which such voters are not scheduled to cast votes for any
11 candidates for nomination for, election to or retention in
12 public office, except that if, in any existing or proposed
13 political subdivision in which the submission of a public
14 question at a regularly scheduled election is desired, the
15 voters of only a portion of such existing or proposed political
16 subdivision are not scheduled to cast votes for nomination for,
17 election to or retention in public office at such election, but
18 the voters in one or more other portions of such existing or
19 proposed political subdivision are scheduled to cast votes for
20 nomination for, election to or retention in public office at
21 such election, the public question shall be voted upon by all
22 the qualified voters of the entire existing or proposed
23 political subdivision at the election.

24 Not more than 3 advisory public questions may be submitted
25 to the voters of the entire state at a general election. If
26 more than 3 such advisory propositions are initiated, the first

1 3 timely and validly initiated shall be the questions printed
2 on the ballot and submitted at that election; provided however,
3 that a question for a proposed amendment to Article IV of the
4 Constitution pursuant to Section 3, Article XIV of the
5 Constitution, or for a question submitted under the Property
6 Tax Cap Referendum Law, shall not be included in the foregoing
7 limitation.

8 (Source: P.A. 93-308, eff. 7-23-03.)

9 Section 10. The Counties Code is amended by changing the
10 heading of Division 2-4, and by changing Sections 2-4006,
11 5-44010, 5-44020, and by adding Section 5-44043 as follows:

12 (55 ILCS 5/Div. 2-4 heading)

13 Division 2-4. Counties not under
14 Township Organization
15 Organized as a Commission
16 Form of Government

17 (55 ILCS 5/2-4006)

18 Sec. 2-4006. Terms of commissioners.

19 (a) In every county not under township organization that is
20 organized as a commission form of government having 3
21 commissioners elected at large as described in subsection (b)
22 or (c), the commissioners shall be elected as provided in this
23 Section.

1 (b) In a county in which one commissioner was elected at
2 the general election in 1992 to serve for a term of 4 years and
3 in which 2 commissioners will be elected at the general
4 election in 1994, the commissioner elected in 1994 and
5 receiving the greatest number of votes shall serve for a term
6 of 6 years. The other commissioner elected in 1994 shall serve
7 for a term of 4 years. At the general election in 1996 and at
8 each general election thereafter, one commissioner shall be
9 elected to serve for a term of 6 years.

10 (c) In a county in which 2 commissioners were elected at
11 the general election in 1992 to serve for terms of 4 years and
12 in which one commissioner will be elected at the general
13 election in 1994, the commissioner elected in 1994 shall serve
14 for a term of 4 years. The commissioner elected in 1996 and
15 receiving the greatest number of votes shall serve for a term
16 of 6 years. The other commissioner elected in 1996 shall serve
17 for a term of 4 years. At the general election in 1998 and at
18 each general election thereafter, one commissioner shall be
19 elected to serve for a term of 6 years.

20 (c-5) In Calhoun County, Edwards County, and Union County,
21 the registered voters of the county may, upon referendum
22 initiated by (i) the adoption of a resolution of the board of
23 county commissioners or (ii) a petition signed by not less than
24 10% of the registered voters in the county, determine that the
25 board of county commissioners shall consist of 5 commissioners
26 elected at large. The commissioners must certify the question

1 to the proper election authority, which must submit the
2 question at an election in accordance with the general election
3 law.

4 The question shall be submitted in substantially the
5 following form:

6 "Shall the board of county commissioners of (county)
7 consist of 5 commissioners elected at large?"

8 Votes must be recorded as "Yes" or "No". If a majority of
9 the electors voting on the question vote in the affirmative,
10 then a 5-member board of county commissioners shall be
11 established beginning with the next general election. The
12 County Clerk, in consultation with the State's Attorney for the
13 county, shall develop and present to the board of county
14 commissioners, to implement by the adoption of a resolution,
15 the transition of terms for the current 3-member board of
16 commissioners and the addition of 2 commissioners for 6-year
17 terms. Thereafter, commissioners shall be elected at each
18 general election to fill expired terms.

19 (d) The provisions of this Section do not apply to
20 commissioners elected under Section 2-4006.5 of this Code.

21 (Source: P.A. 96-175, eff. 8-10-09.)

22 (55 ILCS 5/5-44010)

23 Sec. 5-44010. Applicability. The powers and authorities
24 provided by this Division 5-44 apply to all counties ~~DuPage,~~
25 ~~Lake, and McHenry Counties~~ and units of local government within

1 such counties.

2 (Source: P.A. 98-126, eff. 8-2-13; 99-709, eff. 8-5-16.)

3 (55 ILCS 5/5-44020)

4 Sec. 5-44020. Definitions. In this Division 5-44:

5 "Fire protection jurisdiction" means a fire protection
6 district, municipal fire department, or service organized
7 under Section 5-1056.1 of the Counties Code, Sections 195 and
8 200 of the Township Code, Section 10-2.1 of the Illinois
9 Municipal Code, or the Illinois Fire Protection District Act.

10 "Governing board" means the individual or individuals who
11 constitute the corporate authorities of a unit of local
12 government.

13 "Unit of local government" or "unit" means any unit of
14 local government located entirely within one county, to which
15 the county board chairman or county executive directly appoints
16 a majority of its governing board with the advice and consent
17 of the county board, but shall not include a fire protection
18 district that directly employs any regular full-time
19 employees, a conservation district organized under the
20 Conservation District Act, ~~or~~ a special district organized
21 under the Water Commission Act of 1985, a community mental
22 health board established under the Community Mental Health
23 Board Act, or a board established under the County Care for
24 Persons with Developmental Disabilities Act.

25 (Source: P.A. 98-126, eff. 8-2-13; 98-756, eff. 7-16-14;

1 99-709, eff. 8-5-16.)

2 (55 ILCS 5/5-44043 new)

3 Sec. 5-44043. Rights and obligations of employees.

4 (a) The status and rights of employees represented by an
5 exclusive bargaining representative shall not be affected by
6 the dissolution of a unit of local government under this
7 Division, except that this subsection does not apply in DuPage,
8 Lake, and McHenry Counties for actions taken before the
9 effective date of this amendatory Act of the 100th General
10 Assembly.

11 (b) Obligations of the dissolving unit of local government
12 assumed by the trustee-in-dissolution, county, or governing
13 body of a special service area include the obligation to honor
14 representation rights under the Illinois Public Labor
15 Relations Act and any collective bargaining agreements
16 existing on the date of dissolution of the unit of local
17 government.

18 (c) The rights of employees under any pensions, retirement
19 plans, or annuity plans existing on the date of dissolution of
20 the unit of local government are not affected by the
21 dissolution of a unit of local government under this Division.

22 Section 15. The Township Code is amended by adding Articles
23 22, 23, and 29 and by changing Sections 10-25, 25-15, 25-25,
24 and 65-20 as follows:

1 (60 ILCS 1/10-25)

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

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

11 (b) No alteration or change in boundaries shall be
12 effective unless approved by a referendum in each township
13 affected. The election authority shall submit to the voters of
14 each township affected, at a regular election to be held not
15 less than 60 days after the plan is adopted, the question of
16 approving the alteration or change. The alterations or changes,
17 if approved by the voters, shall take effect on the date of the
18 next township election and shall be applicable to that
19 election. If there is doubt as to the township clerk with whom
20 nomination papers for that election should be filed, the county
21 board shall designate the clerk. In the alteration of
22 boundaries, a county board may not disturb urban or coterminous
23 townships in existence on October 1, 1978.

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

1 (60 ILCS 1/Art. 22 heading new)

2 ARTICLE 22. CONSOLIDATION OF

3 MULTIPLE TOWNSHIPS

4 (60 ILCS 1/22-5 new)

5 Sec. 22-5. Resolution for consolidation; notice.

6 (a) Notwithstanding any other provision of law to the
7 contrary, the township boards of any 2 or more adjacent
8 townships may, by identical resolutions of each board, propose
9 consolidation by referendum: (i) into a new township; or (ii)
10 into an existing township. Each resolution shall include, but
11 is not limited to, the following:

12 (1) the name of the proposed new consolidated township
13 or the name of the existing township into which all
14 townships will be consolidated;

15 (2) a description of how each road district or road
16 districts of a dissolving township shall comply with
17 subsection (c) of Section 22-20 if a township will be
18 consolidating into an existing township;

19 (3) the names of all townships that will be
20 consolidating and a description of the area of
21 consolidation; and

22 (4) the date of the general election at which the
23 referendum shall be held.

24 All resolutions shall be passed not less than 79 days
25 before the general election stated in the resolutions. For

1 purposes of this Section, 3 or more townships are adjacent when
2 each township shares a boundary with at least one of the other
3 townships which are to be consolidated.

4 (b) Before passing a resolution under subsection (a), each
5 township board shall hold a public hearing on those matters
6 after notice of the hearing has been published in a newspaper
7 having a general circulation in the townships affected. The
8 notice shall be published at least 30 days before the date of
9 the hearing. The notice shall contain, at a minimum, the name
10 of all townships that will be consolidating and a description
11 of the area of consolidation.

12 (60 ILCS 1/22-10 new)

13 Sec. 22-10. Referendum.

14 (a) Upon the adoption of resolutions under Section 22-5 by
15 each township, the township boards shall certify the question
16 to the election authority and the authority shall cause to be
17 submitted to the voters of each township at the general
18 election specified in the resolutions a referendum to
19 consolidate the townships. The referendum shall be
20 substantially in the following form:

21 Shall (names of townships) be consolidated into [a new
22 township called (name of proposed consolidated
23 township)/the township of (name of existing township)]?

24 The votes shall be recorded as "Yes" or "No". The
25 referendum is approved when a majority of the voters, in each

1 of the affected townships, approve the referendum.

2 (b) Before a referendum appears on the ballot under
3 subsection (a), each township board shall publish a copy of the
4 adopted resolution in a newspaper having a general circulation
5 in each of the townships affected. The notice shall be
6 published at least 30 days before the date of the general
7 election in which the referendum will appear.

8 Each township board shall additionally mail a copy of the
9 adopted resolution, along with a copy of the referendum
10 language and a list of all taxes levied for general township
11 purposes in the affected townships, to every registered voter
12 in each township affected. The notice shall be mailed at least
13 30 days before the date of the general election in which the
14 referendum will appear.

15 (c) Notwithstanding any provision of law to the contrary,
16 no tax rate may be extended for any fund of the consolidated
17 district for the first levy year of the consolidated district
18 that exceeds any statutory maximum set forth for that fund,
19 unless the referendum also conforms to the requirements of the
20 Property Tax Extension Limitation Law or other statutory
21 provision setting forth that limitation.

22 (60 ILCS 1/22-15 new)

23 Sec. 22-15. Transition. Notwithstanding any other
24 provision of law to the contrary, upon the approval of a
25 referendum under Section 22-10:

1 (a) There shall be no further nominations or elections for
2 clerks, assessors, collectors, highway commissioners,
3 supervisors, or trustees of any of the separate townships or
4 highway commissions, and the terms of all such officers
5 currently serving shall continue until the third Monday of May
6 of the year in which township officials are elected next
7 following the approval of a referendum under Section 22-10.

8 (b) A Transition Township Board is formed and is composed
9 of the members of the separate townships boards. The Transition
10 Township Board shall have only the following powers: (1) to
11 propose and approve the compensation of all officials of the
12 consolidated township that will be elected at the consolidated
13 election next following the passage of the referendum under
14 Section 22-10; and (2) to propose and approve additional debt
15 to be taken on by any of the separate townships.

16 (c) The Transition Township Board shall hold a public
17 hearing no later than the last Tuesday in December before the
18 consolidated township board of trustees are elected next
19 following the approval of a referendum under Section 22-10. If
20 the Board cannot agree on the compensation for an official by
21 the first Tuesday in April before the consolidated election of
22 township officials next following the approval of a referendum
23 under Section 22-10, then the compensation for that official
24 shall be equal to the lowest compensation for the same office
25 between the separate townships in the previous calendar year.

26 (d) The separate townships shall not incur any additional

1 debt without the approval of the Transition Township Board. For
2 purposes of this Section, "debt" shall have the meaning
3 ascribed to that term in Section 23-5.

4 (e) Section 3-7 of the Election Code shall govern those
5 individuals entitled to caucus, vote for, be nominated for, and
6 run for offices for the consolidated township at the
7 consolidated election of township officials next following the
8 approval of a referendum under Section 22-10.

9 (60 ILCS 1/22-20 new)

10 Sec. 22-20. Consolidated township.

11 (a) On the third Monday of May of the year in which
12 township officials are elected following the approval of a
13 referendum under Section 22-10, the following shall occur:

14 (1) the separate townships cease and the consolidated
15 township is created;

16 (2) all rights, powers, duties, assets, and property,
17 together with all personnel, contractual obligations,
18 other obligations, responsibilities, and liabilities of
19 the separate townships are transferred to the consolidated
20 township; those rights include, but are not limited to, the
21 authority to continue to collect, receive, and expend the
22 proceeds of any tax levied by any of the separate townships
23 prior to the creation of the consolidated township without
24 an additional ordinance, resolution, or referendum; the
25 proceeds of any tax levied by any of the separate townships

1 prior to the creation of the consolidated township shall be
2 expended or disposed of by the consolidated township in the
3 same manner as such assessments might have been expended or
4 disposed of by the separate townships; however, if the
5 consolidated township board determines that there is a
6 surplus in the fund for general township purposes on
7 December 31 of the calendar year in which the consolidation
8 occurs, then any portion of the surplus that is solely
9 attributable to the consolidation shall be refunded to the
10 owners of record of taxable property within the
11 consolidated district on a pro rata basis; and

12 (3) road districts located within the separate
13 townships are abolished.

14 (b) When a new township is created, a new road district
15 encompassing the consolidated township is created. All the
16 rights, powers, duties, assets, property, liabilities,
17 obligations, and responsibilities of the separate road
18 districts shall vest in and be assumed by the new road district
19 as provided for in the resolutions adopted under Section 22-5.
20 The new township board of trustees shall exercise the taxing
21 authority of a road district abolished under this Section. The
22 highway commissioners of the abolished road districts shall
23 cease to hold office on the date the road district is
24 abolished. The new township board shall exercise all duties and
25 responsibilities of the highway commissioner as provided in the
26 Illinois Highway Code. For purposes of distribution of revenue,

1 the new township shall assume the powers, duties, and
2 obligations of the road district of the dissolving road
3 district. The new township board may enter into a contract with
4 the county, a municipality, or a private contractor to
5 administer the roads under the new road district.

6 (c) When a township consolidates into an existing township,
7 all the rights, powers, duties, assets, property, liabilities,
8 obligations, and responsibilities of the abolished road
9 districts shall vest in and be assumed by the existing
10 township's road district as provided for in the resolutions
11 adopted under Section 22-5. The consolidated township board of
12 trustees shall exercise the taxing authority of a road district
13 abolished under this Section. Highway commissioners of the
14 abolished road districts shall cease to hold office on the date
15 the road district is abolished. The consolidated township shall
16 exercise all duties and responsibilities of the highway
17 commissioner as provided in the Illinois Highway Code. For
18 purposes of distribution of revenue, the existing township's
19 road district or districts shall assume the powers, duties, and
20 obligations of the road district of the dissolving road
21 district.

22 (60 ILCS 1/Art. 23 heading new)

23 ARTICLE 23. MERGER OF A SINGLE
24 TOWNSHIP INTO TWO OTHER TOWNSHIPS

1 (60 ILCS 1/23-5 new)

2 Sec. 23-5. Definitions. As used in this Article:

3 "Dissolving road district" means a road district in a
4 dissolving township, which is dissolved under subsection (c) of
5 Section 23-25.

6 "Dissolving township" means a township which is proposed to
7 be dissolved into and be merged with 2 other adjacent
8 townships.

9 "Equalized assessed value" has the meaning provided in
10 Section 18-213 of the Property Tax Code.

11 "Debt" means indebtedness incurred by a dissolving
12 township including, but not limited to, mortgages, judgments,
13 and moneys due through the issuance and sale of bonds, or
14 through an equivalent manner of borrowing for which notes or
15 other evidences of indebtedness are issued fixing the amount of
16 principal and interest from time to time payable to retire the
17 indebtedness.

18 "Receiving township" means a township into which a portion
19 of the dissolving township will be merged.

20 (60 ILCS 1/23-10 new)

21 Sec. 23-10. Resolution for merger; notice.

22 (a) Notwithstanding any other provision of law to the
23 contrary, the township boards of any 3 adjacent townships may,
24 by identical resolutions of each board, propose that a township
25 which borders the other 2 townships be dissolved by referendum

1 and all rights, powers, duties, assets, and property, together
2 with all personnel, contractual obligations, other
3 obligations, responsibilities, and liabilities of the
4 dissolving township transferred to the receiving townships.
5 Each resolution shall include, but is not limited to, the
6 following:

7 (1) a legal description of the former territory of the
8 dissolving township each receiving township will take upon
9 the dissolution of the dissolving township;

10 (2) a description of how all assets and property,
11 together with all personnel, contractual obligations,
12 other obligations, responsibilities, and liabilities of
13 the dissolving township will be transferred to the
14 receiving townships;

15 (3) the tax rates for general township purposes for the
16 immediately preceding levy year, as extended and collected
17 in the year in which the resolution is adopted, for the
18 dissolving township and each receiving township;

19 (4) a description and amount of all debt each receiving
20 township shall assume after the dissolving township
21 dissolves. The debt shall be assumed by each receiving
22 township in equal proportion to the equalized assessed
23 value of the land and property that will be received by
24 each receiving township from the dissolving township
25 unless otherwise agreed to in the resolutions;

26 (5) a description of how each road district or road

1 districts of a dissolving township shall comply with
2 subsection (c) of Section 23-25; and

3 (6) the date of the general election at which the
4 referendum shall be held.

5 All resolutions shall be passed not less than 79 days
6 before the general election stated in the resolutions.

7 (b) Before passing a resolution under this Section, each
8 township board shall hold a public hearing on those matters
9 after notice of the hearing has been published in a newspaper
10 having a general circulation in the townships affected. The
11 notice shall be published at least 30 days before the date of
12 the hearing. The notice shall contain, at a minimum, the name
13 of the dissolving township and receiving townships and a
14 description of the area each receiving township will receive
15 from the dissolving township.

16 (60 ILCS 1/23-15 new)

17 Sec. 23-15. Referendum and notices.

18 (a) Upon the adoption of resolutions under Section 23-10 by
19 all townships, the township boards shall certify the question
20 to the election authority and the authority shall cause to be
21 submitted to the voters of all townships at the general
22 election specified in the resolutions a referendum to
23 consolidate the townships. The referendum shall be
24 substantially in the following form:

25 Shall (name of dissolving township) be dissolved into

1 (names of receiving townships)?

2 The votes shall be recorded as "Yes" or "No". The
3 referendum is approved when a majority of the voters, in each
4 of the affected townships, approve the referendum.

5 (b) Before a referendum appears on the ballot under
6 subsection (a), the township boards shall publish a copy of the
7 adopted resolution in a newspaper having a general circulation
8 in each of the townships affected. The notice shall be
9 published at least 30 days before the date of the general
10 election.

11 Each township board shall additionally mail a copy of the
12 adopted resolution, along with a copy of the referendum
13 language and a list of all taxes levied for general township
14 purposes in the affected townships, to every registered voter
15 in each township affected. The notice shall be mailed at least
16 30 days before the date of the general election in which the
17 referendum will appear.

18 (60 ILCS 1/23-20 new)

19 Sec. 23-20. Transition.

20 (a) Notwithstanding any other provision of law to the
21 contrary, upon the approval of a referendum under Section
22 23-15:

23 (1) there shall be no further nominations or elections
24 for clerks, assessors, collectors, highway commissioners,
25 supervisors, or trustees of the dissolving township or

1 highway commissions and the terms of all such officers
2 currently serving shall continue until the third Monday of
3 May of the year in which township officials are elected
4 following the approval of a referendum under Section 23-15;

5 (2) a Transition Township Board is formed for each
6 receiving township. Each Transition Township Board shall
7 be composed of the members of the dissolving township
8 boards plus the members of the receiving township board.
9 The Transition Township Board shall only have authority to
10 do the following under paragraphs (3) and (4) of this
11 Section: provide for the compensation for all receiving
12 township officials that will be elected at the consolidated
13 election next following the approval of a referendum under
14 Section 23-15; and approving additional debt to be taken on
15 by the dissolving township;

16 (3) each Transition Township Board shall hold a public
17 meeting no later than the first Tuesday in April before the
18 receiving townships' boards of trustees are elected at the
19 consolidated election next following the approval of a
20 referendum under Section 23-15. At this public meeting, the
21 Transition Township Board shall provide for the
22 compensation for all township officials that will be
23 elected at the consolidated election. If the Board cannot
24 agree on the compensation for an official, then the
25 compensation for the same office between the receiving and
26 dissolving townships shall be the lower compensation for

1 the office in the dissolving township or receiving
2 township;

3 (4) the dissolving township shall not incur any
4 additional debt without the approval of the Transition
5 Township Board of each receiving township that would assume
6 such debt after dissolution of the dissolving township; and

7 (5) Section 3-7 of the Election Code shall govern those
8 individuals entitled to caucus, vote for, be nominated for,
9 and run for offices for the receiving townships at the
10 consolidated election of township officials next following
11 the approval of a referendum under Section 23-15.

12 (b) Upon the approval of a referendum under Section 23-15,
13 the receiving townships may enter into an intergovernmental
14 agreement under the Intergovernmental Cooperation Act for any
15 lawful purpose relating to the land or property contained in
16 the dissolving township after the township is dissolved.

17 (60 ILCS 1/23-25 new)

18 Sec. 23-25. Merged township. On the third Monday of May of
19 the year in which township officials are elected following the
20 approval of a referendum under Section 23-15, the following
21 shall occur:

22 (a) The dissolving township ceases.

23 (b) All rights, powers, duties, assets, and property,
24 together with all personnel, contractual obligations,
25 other obligations, responsibilities, and liabilities of

1 the dissolving township are transferred to the receiving
2 townships as provided in the resolution adopted under
3 Section 23-10. The rights include, but are not limited to,
4 the authority to continue to collect and receive any tax
5 levied prior to the creation of the merged townships
6 without an additional ordinance, resolution, or
7 referendum.

8 (c) Road districts located within the dissolving
9 township are abolished and all the rights, powers, duties,
10 assets, property, liabilities, obligations, and
11 responsibilities of the dissolving road districts shall
12 vest in and be assumed by the receiving townships' road
13 districts as provided for in the resolutions adopted under
14 Section 23-10; the boards of trustees of the receiving
15 townships shall exercise the taxing authority of a road
16 district dissolved under this Section and shall exercise
17 all duties and responsibilities of the highway
18 commissioner as provided in the Illinois Highway Code
19 unless a road district in the receiving township has a
20 highway commissioner who shall assume all duties and
21 responsibilities of the highway commissioner of the
22 dissolving road districts if so resolved by the receiving
23 township board; highway commissioners of the dissolving
24 road districts shall cease to hold office on the date the
25 road district is abolished; and for purposes of
26 distribution of revenue, the receiving townships' road

1 districts, or the township board if no road districts
2 exist, shall assume the powers, duties, and obligations of
3 the dissolving road district.

4 (60 ILCS 1/25-15)

5 Sec. 25-15. Selection of county governing body; election
6 ~~Election of county commissioners.~~ When township organization
7 ceases in any county as provided in this Article, the county
8 board may by ordinance or resolution restructure into a
9 commission form of government on or before 180 days after a
10 township organization ceases. If the county board votes to
11 assume a commission form of government, an election shall be
12 held in the county at the next general election in an
13 even-numbered year for 3 county commissioners who shall hold
14 office for 2, 4, and 6 years, respectively, and until their
15 successors are elected and qualified. Terms shall be determined
16 by lot. At each succeeding general election after the first,
17 one commissioner shall be elected.

18 (Source: P.A. 82-783; 88-62.)

19 (60 ILCS 1/25-25)

20 Sec. 25-25. Disposal of township records and property. When
21 township organization is discontinued in any county, the
22 records of the several townships shall be deposited in the
23 county clerk's office. The county board or board of county
24 commissioners of the county may close up all unfinished

1 business of the several townships and sell or ~~and~~ dispose of
2 any of the property belonging to a township for the benefit of
3 the inhabitants of the township, as fully as might have been
4 done by the townships themselves. The county board or board of
5 county commissioners may pay all the indebtedness of any
6 township existing at the time of the discontinuance of township
7 organization and cause the amount of the indebtedness, or so
8 much as may be necessary, to be levied upon the property of the
9 township.

10 (Source: P.A. 82-783; 88-62.)

11 (60 ILCS 1/Art. 29 heading new)

12 ARTICLE 29. DISCONTINUANCE OF
13 TOWNSHIP WITHIN COTERMINOUS
14 MUNICIPALITY: ALL TOWNSHIPS

15 (60 ILCS 1/29-5 new)

16 Sec. 29-5. Resolutions to discontinue and abolish a
17 township. The township board and the corporate authorities of a
18 coterminous, or substantially coterminous, municipality may by
19 resolutions of the board and corporate authorities, and after
20 referendum of the voters of the township and municipality: (1)
21 discontinue and abolish the township; (2) transfer all the
22 rights, powers, duties, assets, property, liabilities,
23 obligations, and responsibilities of the township to the
24 municipality; and (3) cease and dissolve all township road

1 districts with the district's jurisdiction and authority
2 transferred to the municipality upon the dissolution of the
3 township.

4 (60 ILCS 1/29-10 new)

5 Sec. 29-10. Notice.

6 (a) Before passing resolutions under Section 29-5, the
7 township board and the corporate authorities of the
8 municipality shall hold public hearings on those matters after
9 notice of the hearing has been published in a newspaper having
10 general circulation in the township and municipality. The
11 notice shall be published at least 30 days before the date of
12 the hearing.

13 (b) Before a referendum is placed on the ballot under
14 Section 29-15, each township board shall publish a copy of the
15 resolution adopted under Section 29-5 in a newspaper of general
16 circulation in the township and municipality affected. The
17 notice shall be published at least 30 days before the date of
18 the general election in which the referendum will appear.

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

1 (60 ILCS 1/29-15 new)

2 Sec. 29-15. Referendum for cessation of township. Upon the
3 adoption of resolutions under Section 29-5 by both the township
4 and municipality, the township board and corporate authorities
5 of the municipality shall certify the question to the election
6 authority and the authority shall cause to be submitted to the
7 voters of the township and municipality at the next election a
8 referendum to discontinue the township and to transfer all the
9 rights, powers, duties, assets, property, liabilities,
10 obligations, and responsibilities of the township to the
11 municipality. The referendum shall be substantially in the
12 following form:

13 Shall the township of (name of township) Township
14 cease?

15 The votes shall be recorded as "Yes" or "No". The
16 referendum is approved when a majority of the voters, in both
17 the township and municipality, approve the referendum.

18 If the referendum is approved there shall be no further
19 nominations or elections for clerks, assessors, collectors,
20 highway commissioners, supervisors, or trustees of the
21 township or highway commission, and the terms of all such
22 officers currently serving shall continue until the third
23 Monday of May of the year of the consolidated election in which
24 township officials are elected next following the approval of a
25 referendum under this Section.

1 (60 ILCS 1/29-20 new)

2 Sec. 29-20. Cessation of township. On the third Monday in
3 May in the year of the consolidated election in which township
4 officials are elected next following the approval of a
5 referendum under Section 29-15:

6 (1) the township is discontinued and abolished and all
7 the rights, powers, duties, assets, property, liabilities,
8 obligations, and responsibilities of the township shall
9 vest in and be assumed by the municipality, including the
10 authority to levy property taxes for township purposes in
11 the same manner as the dissolved township without an
12 additional ordinance, resolution, or referendum;

13 (2) all township officers shall cease to hold office;

14 (3) the municipality shall exercise all duties and
15 responsibilities of the township officers as provided in
16 the Township Code, the Illinois Public Aid Code, the
17 Property Tax Code, and the Illinois Highway Code, as
18 applicable. The municipality may enter into an
19 intergovernmental agreement with the county or the State to
20 administer the duties and responsibilities of the township
21 officers for services under its jurisdiction; and

22 (4) any road district located within the township is
23 abolished and its jurisdiction, rights, powers, duties,
24 assets, property, liabilities, obligations, and
25 responsibilities shall vest in and be assumed by the

1 municipality and the highway commissioner of the abolished
2 road district shall cease to hold office. The corporate
3 authorities of the municipality shall: exercise the taxing
4 authority of a road district abolished under this Section;
5 exercise all duties and responsibilities of the highway
6 commissioner as provided in the Illinois Highway Code; and
7 for purposes of distribution of revenue, assume the powers,
8 duties, and obligations of the road district in the
9 discontinued township. The corporate authorities of a
10 municipality may enter into an intergovernmental agreement
11 or a contract with the county, another municipality, or a
12 private contractor to administer the roads which were under
13 the jurisdiction of the abolished road district.

14 (60 ILCS 1/29-25 new)

15 Sec. 29-25. Business, records, and property of
16 discontinued township. The records of a township discontinued
17 under this Article shall be deposited in the municipality's
18 city clerk's office. The municipality may close up all
19 unfinished business of the township and sell and dispose of any
20 of the property belonging to the township for benefit of the
21 inhabitants of the municipality.

22 (60 ILCS 1/65-20)

23 Sec. 65-20. Road district treasurer; new township;
24 multi-township officers.

1 (a) Compensation of township officers shall be set by the
2 township board at least 180 days before the beginning of the
3 terms of officers, including compensation of the road district
4 treasurer, which shall be not less than \$100 or more than
5 \$1,000 per year. Compensation of a township assessor and
6 collector shall be set at the same time as the compensation of
7 the township supervisor. Compensation of a multi-township
8 assessor shall be set at least 150 days before his or her
9 election.

10 (b) The compensation to be paid to each officer in a new
11 township established under Section 10-25 shall be determined
12 under this Section by the township board of the township the
13 whole or a part of which comprises the new township and that
14 has the highest equalized assessed valuation (as of December
15 31, 1972) of the old townships that comprise the new township.

16 (c) At least 150 days before the election of multi-township
17 officers, the multi-township board may establish additional
18 pay of those board members for their services in an amount not
19 to exceed \$25 per day for each day of services.

20 (d) For the first term of a township consolidated or merged
21 under Article 22 or 23, compensation for township officers of
22 the consolidated or merged township shall be set by the
23 Transition Township Board no later than the first day in April
24 before the consolidated election at which the township officers
25 are to be elected.

26 (Source: P.A. 90-210, eff. 7-25-97.)

1 Section 20. The Illinois Drainage Code is amended by adding
2 Section 10-12 as follows:

3 (70 ILCS 605/10-12 new)

4 Sec. 10-12. Dissolution in specified counties.
5 Notwithstanding any provision of law to the contrary, and in
6 counties with a population of more than 500,000 and less than
7 3,000,000:

8 (a) If a drainage district is located wholly within a
9 county and the county appoints the commissioners to the board
10 of the drainage district, then the county board of that county
11 may, by resolution after a public hearing, dissolve the
12 drainage district. No resolution to dissolve a drainage
13 district shall be adopted without the county board (1) causing
14 to be published notice of the public hearing including the
15 proposed resolution in a newspaper of general circulation in
16 the drainage district at least 30 days prior to the hearing and
17 (2) sending a notice by mail of the public hearing and the
18 proposed resolution to all known landowners and residents of
19 the drainage district at least 30 days prior to the hearing.
20 Ninety days after the adoption of a resolution under this
21 subsection (a): the drainage district is dissolved and all
22 rights, powers, duties, assets, and property, together with all
23 personnel, contractual obligations, other obligations,
24 responsibilities, and liabilities of the dissolved drainage

1 district shall vest in and be assumed by the county; all
2 commissioners of a dissolved drainage district shall cease to
3 hold office; the county board shall assume all taxing authority
4 of the dissolved drainage district; and the county board shall
5 assume all functions of the dissolved drainage district's board
6 and commissioners.

7 (b) If a drainage district is located in more than one
8 county and a county appoints a majority of commissioners to the
9 board of the drainage district, then the county board of that
10 county may, by resolution after a public hearing, dissolve the
11 drainage district if an intergovernmental agreement under the
12 Intergovernmental Cooperation Act has been entered into by all
13 counties in which any portion of the drainage district is
14 located. No resolution to dissolve a drainage district shall be
15 adopted without the county board (1) causing to be published
16 notice of the public hearing including the proposed resolution
17 in a newspaper of general circulation in the drainage district
18 at least 30 days prior to the hearing and (2) sending a notice
19 by mail of the public hearing and the proposed resolution to
20 all known landowners and residents of the drainage district at
21 least 30 days prior to the hearing. Ninety days after the
22 adoption of a resolution under this subsection (b): the
23 drainage district is dissolved and all rights, powers, duties,
24 assets, and property, together with all personnel, contractual
25 obligations, other obligations, responsibilities, and
26 liabilities of the drainage district shall vest in and be

1 assumed by the county passing the resolution; all commissioners
2 of the dissolved drainage district shall cease to hold office;
3 the county board of the county passing the resolution shall
4 assume all taxing authority of the dissolved drainage district;
5 and the county board of the county passing the resolution shall
6 assume all functions of the dissolved drainage district's board
7 and commissioners.

8 Section 25. The Illinois Highway Code is amended by
9 changing Section 6-130 and by adding Section 6-130.5 as
10 follows:

11 (605 ILCS 5/6-130) (from Ch. 121, par. 6-130)

12 Sec. 6-130. Mandatory and permissive road district
13 abolishment.

14 (a) Notwithstanding any other provision of this Act to the
15 contrary, no township road district may continue in existence
16 if the roads forming a part of the district do not exceed a
17 total of 4 miles in length as determined by the county engineer
18 or county superintendent of highways. ~~For purposes of this~~
19 ~~Section, the roads forming a part of a township road district~~
20 ~~include those roads maintained by the district, regardless of~~
21 ~~whether or not those roads are owned by the township.~~ On the
22 first Tuesday in April of 1975, or of any subsequent year next
23 succeeding the reduction of a township road system to a total
24 mileage of 4 miles or less, each such township road district

1 shall, by operation of law, be abolished. The roads comprising
 2 that district at that time shall thereafter be administered by
 3 the township board of trustees by contracting with the county,
 4 a municipality or a private contractor. The township board of
 5 trustees shall assume all taxing authority of a township road
 6 district abolished under this Section.

7 (b) Notwithstanding any provision of law to the contrary, a
 8 township road district may be abolished as provided in Section
 9 6-130.5 of this Act, if the roads forming part of the district
 10 are less than a total of 15 miles in length.

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

12 (605 ILCS 5/6-130.5 new)

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

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

25 -----

1 Shall the Road District of the Township of
2 be abolished with all the rights,
3 powers, duties, assets, property, liabilities, YES
4 obligations, and responsibilities being assumed -----
5 by the Township of ? NO
6 -----

7 (b) If a majority of the electors voting on the referendum
8 under subsection (a) of this Section are in favor of abolishing
9 the township road district, then the road district is abolished
10 on the January 1 following the approval of the resolution or
11 referendum.

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

1 Section 99. Effective date. This Act takes effect on
2 January 1, 2018, but this Act does not take effect at all
3 unless Senate Bills 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13
4 of the 100th General Assembly become law.

1 INDEX

2 Statutes amended in order of appearance

3 10 ILCS 5/3-7 new

4 10 ILCS 5/28-1 from Ch. 46, par. 28-1

5 55 ILCS 5/Div. 2-4 heading

6 55 ILCS 5/2-4006

7 55 ILCS 5/5-44010

8 55 ILCS 5/5-44020

9 55 ILCS 5/5-44043 new

10 60 ILCS 1/10-25

11 60 ILCS 1/Art. 22 heading

12 new

13 60 ILCS 1/22-5 new

14 60 ILCS 1/22-10 new

15 60 ILCS 1/22-15 new

16 60 ILCS 1/22-20 new

17 60 ILCS 1/Art. 23 heading

18 new

19 60 ILCS 1/23-5 new

20 60 ILCS 1/23-10 new

21 60 ILCS 1/23-15 new

22 60 ILCS 1/23-20 new

23 60 ILCS 1/23-25 new

24 60 ILCS 1/25-15

25 60 ILCS 1/25-25

1 60 ILCS 1/Art. 29 heading

2 new

3 60 ILCS 1/29-5 new

4 60 ILCS 1/29-10 new

5 60 ILCS 1/29-15 new

6 60 ILCS 1/29-20 new

7 60 ILCS 1/29-25 new

8 60 ILCS 1/65-20

9 70 ILCS 605/10-12 new

10 605 ILCS 5/6-130 from Ch. 121, par. 6-130

11 605 ILCS 5/6-130.5 new