



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB1395

Introduced 2/9/2005, by Rep. Angelo Saviano

SYNOPSIS AS INTRODUCED:

5 ILCS 220/3.6

from Ch. 127, par. 743.6

Amends the Intergovernmental Cooperation Act. Permits a special district that is coterminous with or entirely within the boundaries of a township to merge into the township (now, permitted only in counties with less than 1,000,000 population).

LRB094 10128 JAM 40389 b

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Intergovernmental Cooperation Act is
5 amended by changing Section 3.6 as follows:

6 (5 ILCS 220/3.6) (from Ch. 127, par. 743.6)

7 Sec. 3.6. (a) Any special district the boundaries of which
8 are exactly coterminous with, or entirely within, the
9 boundaries of a township ~~in a county having less than 1,000,000~~
10 ~~inhabitants~~ may merge into and transfer all of its rights,
11 powers, duties, liabilities and functions to the township as
12 provided in this Section notwithstanding any other provision of
13 the law.

14 (b) "Special district" means any political subdivision
15 other than a county, municipality, township, school district or
16 community college district.

17 (c) By resolution or ordinance the special district may
18 petition the township for merger. Within 30 days after the
19 adoption of such resolution or ordinance, the special district
20 shall file a copy of the petition with the town clerk of the
21 township and with the county clerk.

22 (d) Within 60 days of the filing of the petition with the
23 town clerk the board of town trustees shall by ordinance either
24 agree or refuse to agree to the merger. Failure of the board of
25 town trustees to adopt such an ordinance within the 60 days
26 shall constitute a refusal to agree to the merger.

27 (e) After an ordinance is passed by the board of town
28 trustees agreeing to a merger, it shall be published once
29 within 30 days after its passage in one or more newspapers
30 published in the township or, if no newspaper is published
31 therein, it shall be published in a newspaper published in the
32 county in which such township is located and having general

1 circulation within such township. If no newspaper is published
 2 in the county having general circulation in the township,
 3 publication may be made instead by posting copies of such
 4 ordinance in 10 public places within the township. The
 5 publication or posting of the ordinance shall include a notice
 6 of (1) the specific number of voters required to sign a
 7 petition requesting that the question of the merger be
 8 submitted to the voters of the township; (2) the time within
 9 which the petition must be filed; and (3) the date of the
 10 prospective referendum. The township clerk shall provide a
 11 petition form to any individual requesting one. The ordinance
 12 shall not become effective until 30 days after its publication
 13 or the date of such posting of such copies.

14 Whenever a petition signed by the electors of the township
 15 equal in number to 10% or more of the registered voters in the
 16 township is filed with the board of town trustees thereof which
 17 has adopted an ordinance agreeing to merger and such petition
 18 has been filed with the board of town trustees within 30 days
 19 after the publication or the date of the posting of the copies
 20 which petition seeks the submission of such merger to an
 21 election, the board of town trustees shall certify the question
 22 to the proper election officials who shall submit the question
 23 at an election in accordance with the general election law.

24 The proposition shall be substantially in the following
 25 form:

26 -----
 27 Shall (name of special YES
 28 district) be merged into -----
 29 Township? NO
 30 -----

31 If the boundaries of the township and special district are
 32 coterminous and a majority of the voters voting on the question
 33 shall favor merger, the special district shall merge into the
 34 township. If a majority of the voters voting on the question
 35 shall not favor merger, the special district shall not merge
 36 into the township. If the boundaries of the township and

1 special district are not coterminous, then a majority of the
2 voters voting upon the question in the special district and a
3 majority of the voters voting in that portion of the township
4 that is not included within the special district must both
5 favor the merger. If a majority of the voters residing in the
6 special district or a majority of the voters voting in that
7 portion of the townships that is not included within the
8 special district do not favor the merger, the special district
9 shall not merge into the township.

10 (f) The effective date of the merger shall be the first day
11 of January of the year immediately following the effective date
12 of the ordinance or the approval by the referendum as the case
13 may be.

14 (g) If the board of town trustees refuses to agree to the
15 merger or if a majority of the voters voting on the question
16 shall not favor merger, then the special district shall not
17 file a petition for merger with the town clerk within 3 years
18 after such refusal to agree or referendum.

19 (h) Upon the effective date of the merger the township
20 shall assume and succeed to all of the rights, powers, duties,
21 liabilities and functions of the special district, including
22 assuming any indebtedness of the special district, and the
23 special district shall be dissolved and cease to exist as a
24 separate and distinct political subdivision. In connection
25 with such rights, powers, duties, liabilities and functions the
26 township shall be subject to, governed by and have the benefit
27 of the statutes, as then or thereafter amended, and laws
28 affecting such a special district, including without
29 limitation the right to levy taxes in such amounts as allowed
30 to such a special district, but the right to levy taxes shall
31 exist only within the area formerly comprising such merged
32 special district. Upon the effective date of the merger all
33 books, records, equipment, property and personnel held by, in
34 the custody of or employed by the special district shall be
35 transferred to the township. The transfer shall not affect the
36 status or employment benefits of transferred personnel.

1 (Source: P.A. 89-150, eff. 7-14-95.)