



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB0465

Introduced 2/16/2005, by Sen. William R. Haine

SYNOPSIS AS INTRODUCED:

10 ILCS 5/25-2

from Ch. 46, par. 25-2

60 ILCS 1/15-17 new

60 ILCS 1/15-30

Amends the Township Code. Provides that a township officer of a township from which territory is disconnected shall continue in office until the end of his or her term and until a successor is elected or appointed and qualified, regardless of whether the officer resides in the township or the territory disconnected from the township. Provides that whenever territory is disconnected from a township and connected to a coterminous township on or after the effective date of the amendatory Act, the coterminous city shall provide to the township from which the territory was disconnected, for a period of 10 years, no later than 60 days after the first due date for real estate taxes in that county for that tax year, an amount equal to at least 50% of the real estate tax that was collected on the property in the tax year immediately preceding the disconnection and shall provide the remaining 50% on or before December 31. Amends the Election Code. Provides that the office of a township officer whose township boundaries are changed when territory is disconnected from a township and connected to a coterminous township is not vacant upon disconnection. Effective immediately.

LRB094 10670 MKM 41037 b

FISCAL NOTE ACT
MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

1 AN ACT concerning townships.

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

4 Section 3. The Election Code is amended by changing Section
5 25-2 as follows:

6 (10 ILCS 5/25-2) (from Ch. 46, par. 25-2)

7 Sec. 25-2. Events on which an elective office becomes
8 vacant. Every elective office shall become vacant on the
9 happening of any of the following events before the expiration
10 of the term of such office:

11 (1) The death of the incumbent.

12 (2) His or her resignation.

13 (3) His or her becoming a person under legal
14 disability.

15 (4) His or her ceasing to be an inhabitant of the
16 State; or if the office is local, his or her ceasing to be
17 an inhabitant of the district, county, town, or precinct
18 for which he or she was elected; provided, that the
19 provisions of this paragraph shall not apply to township
20 officers whose township boundaries are changed in
21 accordance with Section 10-20 of the Township Code, to a
22 township officer after disconnection as set forth in
23 Section 15-17 of the Township Code, nor to township or
24 multi-township assessors elected under Sections 2-5
25 through 2-15 of the Property Tax Code.

26 (5) His or her conviction of an infamous crime, or of
27 any offense involving a violation of official oath.

28 (6) His or her removal from office.

29 (7) His or her refusal or neglect to take his or her
30 oath of office, or to give or renew his or her official
31 bond, or to deposit or file such oath or bond within the
32 time prescribed by law.

1 (8) The decision of a competent tribunal declaring his
2 or her election void.

3 No elective office, except as herein otherwise provided,
4 shall become vacant until the successor of the incumbent of
5 such office has been appointed or elected, as the case may be,
6 and qualified.

7 An unconditional resignation, effective at a future date,
8 may not be withdrawn after it is received by the officer
9 authorized to fill the vacancy. Such resignation shall create a
10 vacancy in office for the purpose of determining the time
11 period which would require an election. The resigning office
12 holder may continue to hold such office until the date or event
13 specified in such resignation, but no later than the date at
14 which his or her successor is elected and qualified.

15 An admission of guilt of a criminal offense that would,
16 upon conviction, disqualify the holder of an elective office
17 from holding that office, in the form of a written agreement
18 with State or federal prosecutors to plead guilty to a felony,
19 bribery, perjury, or other infamous crime under State or
20 federal law, shall constitute a resignation from that office,
21 effective at the time the plea agreement is made.

22 For purposes of this Section, a conviction for an offense
23 that disqualifies the holder of an elective office from holding
24 that office shall occur on the date of the return of a guilty
25 verdict or, in the case of a trial by the court, the entry of a
26 finding of guilt.

27 (Source: P.A. 90-707, eff. 8-7-98.)

28 Section 5. The Township Code is amended by adding Section
29 15-17 and by changing Section 15-30 as follows:

30 (60 ILCS 1/15-17 new)

31 Sec. 15-17. Township officer after disconnection. A
32 township officer of a township from which territory is
33 disconnected shall continue as an officer of the township until
34 the expiration of the term for which he or she was elected or

1 appointed and until a successor is elected or appointed and
2 qualified, without regard to whether the township officer
3 resides in the township or the territory disconnected from the
4 township.

5 (60 ILCS 1/15-30)

6 Sec. 15-30. Payment for property taxes collected by
7 coterminous city. After August 11, 1986, whenever territory is
8 disconnected from a township and connected to a coterminous
9 township before the effective date of this amendatory Act of
10 the 94th General Assembly, the coterminous city shall provide,
11 on or before December 31 of each year for a period of 10 years,
12 to the township from which the territory was disconnected an
13 amount equal to the real estate tax that was collected on the
14 property in the tax year immediately preceding the
15 disconnection. Whenever territory is disconnected from a
16 township and connected to a coterminous township on or after
17 the effective date of this amendatory Act of the 94th General
18 Assembly, the coterminous city shall provide to the township
19 from which the territory was disconnected, for a period of 10
20 years: (i) no later than 60 days after the first due date for
21 real estate taxes in that county for that tax year, an amount
22 equal to at least 50% of the real estate tax that was collected
23 on the property in the tax year immediately preceding the
24 disconnection and (ii) on or before December 31 of each year an
25 amount equal to 50% of the real estate tax that was collected
26 on the property in the tax year immediately preceding the
27 disconnection.

28 (Source: P.A. 86-1299; 87-1197; 88-62.)

29 Section 99. Effective date. This Act takes effect upon
30 becoming law.