



Sen. Thomas Cullerton

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LRB099 03118 AWJ 52137 a

1 AMENDMENT TO SENATE BILL 390

2 AMENDMENT NO. _____. Amend Senate Bill 390 by replacing
3 everything after the enacting clause with the following:

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

1 are elected next following the certification of a successful
2 referendum to dissolve a township and merge its territory into
3 2 adjacent townships under Article 23 of the Township Code, the
4 qualified electors entitled to caucus, vote for, be nominated
5 for, and run for offices in a receiving township shall also
6 include those registered voters residing in the territory of
7 the dissolving township described in the resolutions adopted
8 under Section 23-10 of the Township Code as the territory to be
9 merged with the receiving township. For purposes of this
10 subsection (b) only, "dissolving township" and "receiving
11 township" have the meaning provided in Section 23-5 of the
12 Township Code.

13 (10 ILCS 5/28-1) (from Ch. 46, par. 28-1)

14 Sec. 28-1. The initiation and submission of all public
15 questions to be voted upon by the electors of the State or of
16 any political subdivision or district or precinct or
17 combination of precincts shall be subject to the provisions of
18 this Article.

19 Questions of public policy which have any legal effect
20 shall be submitted to referendum only as authorized by a
21 statute which so provides or by the Constitution. Advisory
22 questions of public policy shall be submitted to referendum
23 pursuant to Section 28-5 or pursuant to a statute which so
24 provides.

25 The method of initiating the submission of a public

1 question shall be as provided by the statute authorizing such
2 public question, or as provided by the Constitution.

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

7 Whenever a statute provides for the initiation of a public
8 question by a petition of electors, the provisions of such
9 statute shall govern with respect to the number of signatures
10 required, the qualifications of persons entitled to sign the
11 petition, the contents of the petition, the officer with whom
12 the petition must be filed, and the form of the question to be
13 submitted. If such statute does not specify any of the
14 foregoing petition requirements, the corresponding petition
15 requirements of Section 28-6 shall govern such petition.

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

1 If more than 3 propositions are timely initiated or
2 certified for submission at an election with respect to a
3 political subdivision, the first 3 validly initiated, by the
4 filing of a petition or by the adoption of a resolution or
5 ordinance of a political subdivision, as the case may be, shall
6 be printed on the ballot and submitted at that election.
7 However, except as expressly authorized by law not more than
8 one proposition to change the form of government of a
9 municipality pursuant to Article VII of the Constitution may be
10 submitted at an election. If more than one such proposition is
11 timely initiated or certified for submission at an election
12 with respect to a municipality, the first validly initiated
13 shall be the one printed on the ballot and submitted at that
14 election.

15 No public question shall be submitted to the voters of a
16 political subdivision at any regularly scheduled election at
17 which such voters are not scheduled to cast votes for any
18 candidates for nomination for, election to or retention in
19 public office, except that if, in any existing or proposed
20 political subdivision in which the submission of a public
21 question at a regularly scheduled election is desired, the
22 voters of only a portion of such existing or proposed political
23 subdivision are not scheduled to cast votes for nomination for,
24 election to or retention in public office at such election, but
25 the voters in one or more other portions of such existing or
26 proposed political subdivision are scheduled to cast votes for

1 nomination for, election to or retention in public office at
2 such election, the public question shall be voted upon by all
3 the qualified voters of the entire existing or proposed
4 political subdivision at the election.

5 Not more than 3 advisory public questions may be submitted
6 to the voters of the entire state at a general election. If
7 more than 3 such advisory propositions are initiated, the first
8 3 timely and validly initiated shall be the questions printed
9 on the ballot and submitted at that election; provided however,
10 that a question for a proposed amendment to Article IV of the
11 Constitution pursuant to Section 3, Article XIV of the
12 Constitution, or for a question submitted under the Property
13 Tax Cap Referendum Law, shall not be included in the foregoing
14 limitation.

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

16 Section 10. The Counties Code is amended by changing the
17 heading of Division 2-4, and by changing Sections 2-4006,
18 5-44010, 5-44020, and by adding Section 5-44043 as follows:

19 (55 ILCS 5/Div. 2-4 heading)

20 Division 2-4. Counties not under
21 Township Organization
22 Organized as a Commission
23 Form of Government

1 (55 ILCS 5/2-4006)

2 Sec. 2-4006. Terms of commissioners.

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

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

17 (c) In a county in which 2 commissioners were elected at
18 the general election in 1992 to serve for terms of 4 years and
19 in which one commissioner will be elected at the general
20 election in 1994, the commissioner elected in 1994 shall serve
21 for a term of 4 years. The commissioner elected in 1996 and
22 receiving the greatest number of votes shall serve for a term
23 of 6 years. The other commissioner elected in 1996 shall serve
24 for a term of 4 years. At the general election in 1998 and at
25 each general election thereafter, one commissioner shall be
26 elected to serve for a term of 6 years.

1 (c-5) In Calhoun County, Edwards County, and Union County,
2 the registered voters of the county may, upon referendum
3 initiated by (i) the adoption of a resolution of the board of
4 county commissioners or (ii) a petition signed by not less than
5 10% of the registered voters in the county, determine that the
6 board of county commissioners shall consist of 5 commissioners
7 elected at large. The commissioners must certify the question
8 to the proper election authority, which must submit the
9 question at an election in accordance with the general election
10 law.

11 The question shall be submitted in substantially the
12 following form:

13 "Shall the board of county commissioners of (county)
14 consist of 5 commissioners elected at large?"

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

26 (d) The provisions of this Section do not apply to

1 commissioners elected under Section 2-4006.5 of this Code.

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

3 (55 ILCS 5/5-44010)

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

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

9 (55 ILCS 5/5-44020)

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

11 "Fire protection jurisdiction" means a fire protection
12 district, municipal fire department, or service organized
13 under Section 5-1056.1 of the Counties Code, Sections 195 and
14 200 of the Township Code, Section 10-2.1 of the Illinois
15 Municipal Code, or the Illinois Fire Protection District Act.

16 "Governing board" means the individual or individuals who
17 constitute the corporate authorities of a unit of local
18 government.

19 "Unit of local government" or "unit" means any unit of
20 local government located entirely within one county, to which
21 the county board chairman or county executive directly appoints
22 a majority of its governing board with the advice and consent
23 of the county board, but shall not include a fire protection
24 district that directly employs any regular full-time

1 employees, a conservation district organized under the
2 Conservation District Act, ~~or~~ a special district organized
3 under the Water Commission Act of 1985, a community mental
4 health board established under the Community Mental Health
5 Board Act, or a board established under the County Care for
6 Persons with Developmental Disabilities Act.

7 (Source: P.A. 98-126, eff. 8-2-13; 98-756, eff. 7-16-14;
8 99-709, eff. 8-5-16.)

9 (55 ILCS 5/5-44043 new)

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

11 (a) The status and rights of employees represented by an
12 exclusive bargaining representative shall not be affected by
13 the dissolution of a unit of local government under this
14 Division, except that this subsection does not apply in DuPage,
15 Lake, and McHenry Counties for actions taken before the
16 effective date of this amendatory Act of the 99th General
17 Assembly.

18 (b) Obligations of the dissolving unit of local government
19 assumed by the trustee-in-dissolution, county, or governing
20 body of a special service area include the obligation to honor
21 representation rights under the Illinois Public Labor
22 Relations Act and any collective bargaining agreements
23 existing on the date of dissolution of the unit of local
24 government.

25 (c) The rights of employees under any pensions, retirement

1 plans, or annuity plans existing on the date of dissolution of
2 the unit of local government are not affected by the
3 dissolution of a unit of local government under this Division.

4 Section 15. The Township Code is amended by adding Articles
5 22, 23, and 29 and by changing Sections 10-25, 25-15, 25-25,
6 and 65-20 as follows:

7 (60 ILCS 1/10-25)

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

9 (a) The county board of each county may, subject to a
10 referendum in the townships affected as provided in this
11 Section, adopt a plan for altering the boundaries of townships,
12 changing township lines, dividing, enlarging, or consolidating
13 townships, or creating new townships, so that each township
14 shall possess an equalized assessed valuation of not less than
15 \$10,000,000 as of the 1982 assessment year ~~or an area of not~~
16 ~~more than 126 square miles.~~

17 (b) No alteration or change in boundaries shall be
18 effective unless approved by a referendum in each township
19 affected. The election authority shall submit to the voters of
20 each township affected, at a regular election to be held not
21 less than 60 days after the plan is adopted, the question of
22 approving the alteration or change. The alterations or changes,
23 if approved by the voters, shall take effect on the date of the
24 next township election and shall be applicable to that

1 election. If there is doubt as to the township clerk with whom
2 nomination papers for that election should be filed, the county
3 board shall designate the clerk. In the alteration of
4 boundaries, a county board may not disturb urban or coterminous
5 townships in existence on October 1, 1978.

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

7 (60 ILCS 1/Art. 22 heading new)

8 ARTICLE 22. CONSOLIDATION OF
9 MULTIPLE TOWNSHIPS

10 (60 ILCS 1/22-5 new)

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

12 (a) Notwithstanding any other provision of law to the
13 contrary, the township boards of any 2 or more adjacent
14 townships may, by identical resolutions of each board, propose
15 consolidation by referendum: (i) into a new township; or (ii)
16 into an existing township. Each resolution shall include, but
17 is not limited to, the following:

18 (1) the name of the proposed new consolidated township
19 or the name of the existing township into which all
20 townships will be consolidated;

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

1 (3) the names of all townships that will be
2 consolidating and a description of the area of
3 consolidation; and

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

6 All resolutions shall be passed not less than 79 days
7 before the general election stated in the resolutions. For
8 purposes of this Section, 3 or more townships are adjacent when
9 each township shares a boundary with at least one of the other
10 townships which are to be consolidated.

11 (b) Before passing a resolution under subsection (a), each
12 township board shall hold a public hearing on those matters
13 after notice of the hearing has been published in a newspaper
14 having a general circulation in the townships affected. The
15 notice shall be published at least 30 days before the date of
16 the hearing. The notice shall contain, at a minimum, the name
17 of all townships that will be consolidating and a description
18 of the area of consolidation.

19 (60 ILCS 1/22-10 new)

20 Sec. 22-10. Referendum.

21 (a) Upon the adoption of resolutions under Section 22-5 by
22 each township, the township boards shall certify the question
23 to the election authority and the authority shall cause to be
24 submitted to the voters of each township at the general
25 election specified in the resolutions a referendum to

1 consolidate the townships. The referendum shall be
2 substantially in the following form:

3 Shall (names of townships) be consolidated into [a new
4 township called (name of proposed consolidated
5 township)/the township of (name of existing township)]?

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

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

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

22 (c) Notwithstanding any provision of law to the contrary,
23 no tax rate may be extended for any fund of the consolidated
24 district for the first levy year of the consolidated district
25 that exceeds any statutory maximum set forth for that fund,
26 unless the referendum also conforms to the requirements of the

1 Property Tax Extension Limitation Law or other statutory
2 provision setting forth that limitation.

3 (60 ILCS 1/22-15 new)

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

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

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

22 (c) The Transition Township Board shall hold a public
23 hearing no later than the last Tuesday in December before the
24 consolidated township board of trustees are elected next
25 following the approval of a referendum under Section 22-10. If

1 the Board cannot agree on the compensation for an official by
2 the first Tuesday in April before the consolidated election of
3 township officials next following the approval of a referendum
4 under Section 22-10, then the compensation for that official
5 shall be equal to the lowest compensation for the same office
6 between the separate townships in the previous calendar year.

7 (d) The separate townships shall not incur any additional
8 debt without the approval of the Transition Township Board. For
9 purposes of this Section, "debt" shall have the meaning
10 ascribed to that term in Section 23-5.

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

16 (60 ILCS 1/22-20 new)

17 Sec. 22-20. Consolidated township.

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

21 (1) the separate townships cease and the consolidated
22 township is created;

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

1 the separate townships are transferred to the consolidated
2 township; those rights include, but are not limited to, the
3 authority to continue to collect, receive, and expend the
4 proceeds of any tax levied by any of the separate townships
5 prior to the creation of the consolidated township without
6 an additional ordinance, resolution, or referendum; the
7 proceeds of any tax levied by any of the separate townships
8 prior to the creation of the consolidated township shall be
9 expended or disposed of by the consolidated township in the
10 same manner as such assessments might have been expended or
11 disposed of by the separate townships; however, if the
12 consolidated township board determines that there is a
13 surplus in the fund for general township purposes on
14 December 31 of the calendar year in which the consolidation
15 occurs, then any portion of the surplus that is solely
16 attributable to the consolidation shall be refunded to the
17 owners of record of taxable property within the
18 consolidated district on a pro rata basis; and

19 (3) road districts located within the separate
20 townships are abolished.

21 (b) When a new township is created, a new road district
22 encompassing the consolidated township is created. All the
23 rights, powers, duties, assets, property, liabilities,
24 obligations, and responsibilities of the separate road
25 districts shall vest in and be assumed by the new road district
26 as provided for in the resolutions adopted under Section 22-5.

1 The new township board of trustees shall exercise the taxing
2 authority of a road district abolished under this Section. The
3 highway commissioners of the abolished road districts shall
4 cease to hold office on the date the road district is
5 abolished. The new township board shall exercise all duties and
6 responsibilities of the highway commissioner as provided in the
7 Illinois Highway Code. For purposes of distribution of revenue,
8 the new township shall assume the powers, duties, and
9 obligations of the road district of the dissolving road
10 district. The new township board may enter into a contract with
11 the county, a municipality, or a private contractor to
12 administer the roads under the new road district.

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

1 obligations of the road district of the dissolving road
2 district.

3 (60 ILCS 1/Art. 23 heading new)

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

6 (60 ILCS 1/23-5 new)

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

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

11 "Dissolving township" means a township which is proposed to
12 be dissolved into and be merged with 2 other adjacent
13 townships.

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

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

23 "Receiving township" means a township into which a portion
24 of the dissolving township will be merged.

1 (60 ILCS 1/23-10 new)

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

3 (a) Notwithstanding any other provision of law to the
4 contrary, the township boards of any 3 adjacent townships may,
5 by identical resolutions of each board, propose that a township
6 which borders the other 2 townships be dissolved by referendum
7 and all rights, powers, duties, assets, and property, together
8 with all personnel, contractual obligations, other
9 obligations, responsibilities, and liabilities of the
10 dissolving township transferred to the receiving townships.
11 Each resolution shall include, but is not limited to, the
12 following:

13 (1) a legal description of the former territory of the
14 dissolving township each receiving township will take upon
15 the dissolution of the dissolving township;

16 (2) a description of how all assets and property,
17 together with all personnel, contractual obligations,
18 other obligations, responsibilities, and liabilities of
19 the dissolving township will be transferred to the
20 receiving townships;

21 (3) the tax rates for general township purposes for the
22 immediately preceding levy year, as extended and collected
23 in the year in which the resolution is adopted, for the
24 dissolving township and each receiving township;

25 (4) a description and amount of all debt each receiving

1 township shall assume after the dissolving township
2 dissolves. The debt shall be assumed by each receiving
3 township in equal proportion to the equalized assessed
4 value of the land and property that will be received by
5 each receiving township from the dissolving township
6 unless otherwise agreed to in the resolutions;

7 (5) a description of how each road district or road
8 districts of a dissolving township shall comply with
9 subsection (c) of Section 23-25; and

10 (6) the date of the general election at which the
11 referendum shall be held.

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

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

23 (60 ILCS 1/23-15 new)

24 Sec. 23-15. Referendum and notices.

25 (a) Upon the adoption of resolutions under Section 23-10 by

1 all townships, the township boards shall certify the question
2 to the election authority and the authority shall cause to be
3 submitted to the voters of all townships at the general
4 election specified in the resolutions a referendum to
5 consolidate the townships. The referendum shall be
6 substantially in the following form:

7 Shall (name of dissolving township) be dissolved into
8 (names of receiving townships)?

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

12 (b) Before a referendum appears on the ballot under
13 subsection (a), the township boards shall publish a copy of the
14 adopted resolution in a newspaper having a general circulation
15 in each of the townships affected. The notice shall be
16 published at least 30 days before the date of the general
17 election.

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

1 Sec. 23-20. Transition.

2 (a) Notwithstanding any other provision of law to the
3 contrary, upon the approval of a referendum under Section
4 23-15:

5 (1) there shall be no further nominations or elections
6 for clerks, assessors, collectors, highway commissioners,
7 supervisors, or trustees of the dissolving township or
8 highway commissions and the terms of all such officers
9 currently serving shall continue until the third Monday of
10 May of the year in which township officials are elected
11 following the approval of a referendum under Section 23-15;

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

23 (3) each Transition Township Board shall hold a public
24 meeting no later than the first Tuesday in April before the
25 receiving townships' boards of trustees are elected at the
26 consolidated election next following the approval of a

1 referendum under Section 23-15. At this public meeting, the
2 Transition Township Board shall provide for the
3 compensation for all township officials that will be
4 elected at the consolidated election. If the Board cannot
5 agree on the compensation for an official, then the
6 compensation for the same office between the receiving and
7 dissolving townships shall be the lower compensation for
8 the office in the dissolving township or receiving
9 township;

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

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

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

24 (60 ILCS 1/23-25 new)

25 Sec. 23-25. Merged township. On the third Monday of May of

1 the year in which township officials are elected following the
2 approval of a referendum under Section 23-15, the following
3 shall occur:

4 (a) The dissolving township ceases.

5 (b) All rights, powers, duties, assets, and property,
6 together with all personnel, contractual obligations,
7 other obligations, responsibilities, and liabilities of
8 the dissolving township are transferred to the receiving
9 townships as provided in the resolution adopted under
10 Section 23-10. The rights include, but are not limited to,
11 the authority to continue to collect and receive any tax
12 levied prior to the creation of the merged townships
13 without an additional ordinance, resolution, or
14 referendum.

15 (c) Road districts located within the dissolving
16 township are abolished and all the rights, powers, duties,
17 assets, property, liabilities, obligations, and
18 responsibilities of the dissolving road districts shall
19 vest in and be assumed by the receiving townships' road
20 districts as provided for in the resolutions adopted under
21 Section 23-10; the boards of trustees of the receiving
22 townships shall exercise the taxing authority of a road
23 district dissolved under this Section and shall exercise
24 all duties and responsibilities of the highway
25 commissioner as provided in the Illinois Highway Code
26 unless a road district in the receiving township has a

1 highway commissioner who shall assume all duties and
2 responsibilities of the highway commissioner of the
3 dissolving road districts if so resolved by the receiving
4 township board; highway commissioners of the dissolving
5 road districts shall cease to hold office on the date the
6 road district is abolished; and for purposes of
7 distribution of revenue, the receiving townships' road
8 districts, or the township board if no road districts
9 exist, shall assume the powers, duties, and obligations of
10 the dissolving road district.

11 (60 ILCS 1/25-15)

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

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

1 (60 ILCS 1/25-25)

2 Sec. 25-25. Disposal of township records and property. When
3 township organization is discontinued in any county, the
4 records of the several townships shall be deposited in the
5 county clerk's office. The county board or board of county
6 commissioners of the county may close up all unfinished
7 business of the several townships and sell or ~~and~~ dispose of
8 any of the property belonging to a township for the benefit of
9 the inhabitants of the township, as fully as might have been
10 done by the townships themselves. The county board or board of
11 county commissioners may pay all the indebtedness of any
12 township existing at the time of the discontinuance of township
13 organization and cause the amount of the indebtedness, or so
14 much as may be necessary, to be levied upon the property of the
15 township.

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

17 (60 ILCS 1/Art. 29 heading new)

18 ARTICLE 29. DISCONTINUANCE OF
19 TOWNSHIP WITHIN COTERMINOUS
20 MUNICIPALITY: ALL TOWNSHIPS

21 (60 ILCS 1/29-5 new)

22 Sec. 29-5. Resolutions to discontinue and abolish a
23 township. The township board and the corporate authorities of a

1 coterminous, or substantially coterminous, municipality may by
2 resolutions of the board and corporate authorities, and after
3 referendum of the voters of the township and municipality: (1)
4 discontinue and abolish the township; (2) transfer all the
5 rights, powers, duties, assets, property, liabilities,
6 obligations, and responsibilities of the township to the
7 municipality; and (3) cease and dissolve all township road
8 districts with the district's jurisdiction and authority
9 transferred to the municipality upon the dissolution of the
10 township.

11 (60 ILCS 1/29-10 new)

12 Sec. 29-10. Notice.

13 (a) Before passing resolutions under Section 29-5, the
14 township board and the corporate authorities of the
15 municipality shall hold public hearings on those matters after
16 notice of the hearing has been published in a newspaper having
17 general circulation in the township and municipality. The
18 notice shall be published at least 30 days before the date of
19 the hearing.

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

1 Each township board shall additionally mail a copy of the
2 adopted resolution, along with a copy of the referendum
3 language, the date the referendum will appear, and a list of
4 all taxes levied in the affected townships, to every registered
5 voter in each township affected. The notice shall be mailed at
6 least 30 days before the date of the election in which the
7 referendum will appear.

8 (60 ILCS 1/29-15 new)

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

20 Shall the township of (name of township) Township
21 cease?

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

25 If the referendum is approved there shall be no further

1 nominations or elections for clerks, assessors, collectors,
2 highway commissioners, supervisors, or trustees of the
3 township or highway commission, and the terms of all such
4 officers currently serving shall continue until the third
5 Monday of May of the year of the consolidated election in which
6 township officials are elected next following the approval of a
7 referendum under this Section.

8 (60 ILCS 1/29-20 new)

9 Sec. 29-20. Cessation of township. On the third Monday in
10 May in the year of the consolidated election in which township
11 officials are elected next following the approval of a
12 referendum under Section 29-15:

13 (1) the township is discontinued and abolished and all
14 the rights, powers, duties, assets, property, liabilities,
15 obligations, and responsibilities of the township shall
16 vest in and be assumed by the municipality, including the
17 authority to levy property taxes for township purposes in
18 the same manner as the dissolved township without an
19 additional ordinance, resolution, or referendum;

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

21 (3) the municipality shall exercise all duties and
22 responsibilities of the township officers as provided in
23 the Township Code, the Illinois Public Aid Code, the
24 Property Tax Code, and the Illinois Highway Code, as
25 applicable. The municipality may enter into an

1 intergovernmental agreement with the county or the State to
2 administer the duties and responsibilities of the township
3 officers for services under its jurisdiction; and

4 (4) any road district located within the township is
5 abolished and its jurisdiction, rights, powers, duties,
6 assets, property, liabilities, obligations, and
7 responsibilities shall vest in and be assumed by the
8 municipality and the highway commissioner of the abolished
9 road district shall cease to hold office. The corporate
10 authorities of the municipality shall: exercise the taxing
11 authority of a road district abolished under this Section;
12 exercise all duties and responsibilities of the highway
13 commissioner as provided in the Illinois Highway Code; and
14 for purposes of distribution of revenue, assume the powers,
15 duties, and obligations of the road district in the
16 discontinued township. The corporate authorities of a
17 municipality may enter into an intergovernmental agreement
18 or a contract with the county, another municipality, or a
19 private contractor to administer the roads which were under
20 the jurisdiction of the abolished road district.

21 (60 ILCS 1/29-25 new)

22 Sec. 29-25. Business, records, and property of
23 discontinued township. The records of a township discontinued
24 under this Article shall be deposited in the municipality's
25 city clerk's office. The municipality may close up all

1 unfinished business of the township and sell and dispose of any
2 of the property belonging to the township for benefit of the
3 inhabitants of the municipality.

4 (60 ILCS 1/65-20)

5 Sec. 65-20. Road district treasurer; new township;
6 multi-township officers.

7 (a) Compensation of township officers shall be set by the
8 township board at least 180 days before the beginning of the
9 terms of officers, including compensation of the road district
10 treasurer, which shall be not less than \$100 or more than
11 \$1,000 per year. Compensation of a township assessor and
12 collector shall be set at the same time as the compensation of
13 the township supervisor. Compensation of a multi-township
14 assessor shall be set at least 150 days before his or her
15 election.

16 (b) The compensation to be paid to each officer in a new
17 township established under Section 10-25 shall be determined
18 under this Section by the township board of the township the
19 whole or a part of which comprises the new township and that
20 has the highest equalized assessed valuation (as of December
21 31, 1972) of the old townships that comprise the new township.

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

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

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

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

10 (70 ILCS 605/10-12 new)

11 Sec. 10-12. Dissolution in specified counties.
12 Notwithstanding any provision of law to the contrary, and in
13 counties with a population of more than 500,000 and less than
14 3,000,000:

15 (a) If a drainage district is located wholly within a
16 county and the county appoints the commissioners to the board
17 of the drainage district, then the county board of that county
18 may, by resolution after a public hearing, dissolve the
19 drainage district. No resolution to dissolve a drainage
20 district shall be adopted without the county board (1) causing
21 to be published notice of the public hearing including the
22 proposed resolution in a newspaper of general circulation in
23 the drainage district at least 30 days prior to the hearing and
24 (2) sending a notice by mail of the public hearing and the

1 proposed resolution to all known landowners and residents of
2 the drainage district at least 30 days prior to the hearing.
3 Ninety days after the adoption of a resolution under this
4 subsection (a): the drainage district is dissolved and all
5 rights, powers, duties, assets, and property, together with all
6 personnel, contractual obligations, other obligations,
7 responsibilities, and liabilities of the dissolved drainage
8 district shall vest in and be assumed by the county; all
9 commissioners of a dissolved drainage district shall cease to
10 hold office; the county board shall assume all taxing authority
11 of the dissolved drainage district; and the county board shall
12 assume all functions of the dissolved drainage district's board
13 and commissioners.

14 (b) If a drainage district is located in more than one
15 county and a county appoints a majority of commissioners to the
16 board of the drainage district, then the county board of that
17 county may, by resolution after a public hearing, dissolve the
18 drainage district if an intergovernmental agreement under the
19 Intergovernmental Cooperation Act has been entered into by all
20 counties in which any portion of the drainage district is
21 located. No resolution to dissolve a drainage district shall be
22 adopted without the county board (1) causing to be published
23 notice of the public hearing including the proposed resolution
24 in a newspaper of general circulation in the drainage district
25 at least 30 days prior to the hearing and (2) sending a notice
26 by mail of the public hearing and the proposed resolution to

1 all known landowners and residents of the drainage district at
2 least 30 days prior to the hearing. Ninety days after the
3 adoption of a resolution under this subsection (b): the
4 drainage district is dissolved and all rights, powers, duties,
5 assets, and property, together with all personnel, contractual
6 obligations, other obligations, responsibilities, and
7 liabilities of the drainage district shall vest in and be
8 assumed by the county passing the resolution; all commissioners
9 of the dissolved drainage district shall cease to hold office;
10 the county board of the county passing the resolution shall
11 assume all taxing authority of the dissolved drainage district;
12 and the county board of the county passing the resolution shall
13 assume all functions of the dissolved drainage district's board
14 and commissioners.

15 Section 25. The Illinois Highway Code is amended by
16 changing Section 6-130 and by adding Section 6-130.5 as
17 follows:

18 (605 ILCS 5/6-130) (from Ch. 121, par. 6-130)

19 Sec. 6-130. Mandatory and permissive road district
20 abolishment.

21 (a) Notwithstanding any other provision of this Act to the
22 contrary, no township road district may continue in existence
23 if the roads forming a part of the district do not exceed a
24 total of 4 miles in length as determined by the county engineer

1 ~~or county superintendent of highways. For purposes of this~~
2 ~~Section, the roads forming a part of a township road district~~
3 ~~include those roads maintained by the district, regardless of~~
4 ~~whether or not those roads are owned by the township.~~ On the
5 first Tuesday in April of 1975, or of any subsequent year next
6 succeeding the reduction of a township road system to a total
7 mileage of 4 miles or less, each such township road district
8 shall, by operation of law, be abolished. The roads comprising
9 that district at that time shall thereafter be administered by
10 the township board of trustees by contracting with the county,
11 a municipality or a private contractor. The township board of
12 trustees shall assume all taxing authority of a township road
13 district abolished under this Section.

14 (b) Notwithstanding any provision of law to the contrary, a
15 township road district may be abolished as provided in Section
16 6-130.5 of this Act, if the roads forming part of the district
17 are less than a total of 15 miles in length.

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

19 (605 ILCS 5/6-130.5 new)

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

22 (a) Any township may abolish a road district of that
23 township if the roads of the district of that township are less
24 than 15 miles in length, as determined by the county engineer
25 or county superintendent of highways, by resolution of a

1 majority of the board of trustees to submit a referendum to
 2 abolish the road district of that township. The referendum
 3 shall be submitted to the electors of that township at the next
 4 general election or consolidated election in accordance with
 5 the general election law. The ballot shall be in substantially
 6 the following form:

7 -----
 8 Shall the Road District of the Township of
 9 be abolished with all the rights,
 10 powers, duties, assets, property, liabilities, YES
 11 obligations, and responsibilities being assumed -----
 12 by the Township of ? NO
 13 -----

14 (b) If a majority of the electors voting on the referendum
 15 under subsection (a) of this Section are in favor of abolishing
 16 the township road district, then the road district is abolished
 17 on the January 1 following the approval of the resolution or
 18 referendum.

19 On the date of abolishment: all the rights, powers, duties,
 20 assets, property, liabilities, obligations, and
 21 responsibilities of the road district shall by operation of law
 22 vest in and be assumed by the township; the township board of
 23 trustees shall assume all taxing authority of a road district
 24 abolished under this Section; any highway commissioner of the
 25 abolished road district shall cease to hold office; the
 26 township shall exercise all duties and responsibilities of the

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