



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB2287

Introduced 1/27/2016, by Sen. Pamela J. Althoff

SYNOPSIS AS INTRODUCED:

- 35 ILCS 200/2-85 new
- 55 ILCS 5/2-4006
- 60 ILCS 1/25-15
- 60 ILCS 1/25-25
- 60 ILCS 1/Art. 29 heading new
- 60 ILCS 1/29-5 new
- 60 ILCS 1/29-10 new
- 60 ILCS 1/29-15 new
- 60 ILCS 1/29-20 new
- 60 ILCS 1/29-25 new
- 70 ILCS 905/27 new
- 305 ILCS 5/12-3.2 new
- 605 ILCS 5/5-205.11 new

Amends the Township Code. Provides that upon a petition by citizens, a referendum shall be submitted to the voters to discontinue and abolish that township's township organization and to transfer all the rights, powers, duties, assets, property, liabilities, obligations, and responsibilities of the township organization to the county. Provides that the township officers of any township that is discontinued shall continue as officers of that township until the expiration of the respective terms for which they were elected or appointed. Further provides that a county may retain its form of government after all townships have been dissolved. Amends the Property Tax Code, the Public Health District Act, the Illinois Public Aid Code, and the Illinois Highway Code making conforming changes. Effective immediately.

LRB099 16513 AWJ 40849 b

FISCAL NOTE ACT
MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

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 Property Tax Code is amended by adding
5 Section 2-85 as follows:

6 (35 ILCS 200/2-85 new)

7 Sec. 2-85. Cessation of township organization. If township
8 organization ceases as provided in Article 29 of the Township
9 Code, then the supervisor of assessments or county assessor, as
10 applicable, shall assume the duties of the township assessor
11 under this Code.

12 Section 10. The Counties Code is amended by changing
13 Section 2-4006 as follows:

14 (55 ILCS 5/2-4006)

15 Sec. 2-4006. Terms of commissioners.

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

21 (b) In a county in which one commissioner was elected at

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

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

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

1 question at an election in accordance with the general election
2 law.

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

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

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

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

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

21 Section 15. The Township Code is amended by adding Article
22 29 and by changing Sections 25-15 and 25-25 as follows:

23 (60 ILCS 1/25-15)

24 Sec. 25-15. Selection of county governing body; election

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

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

14 (60 ILCS 1/25-25)

15 Sec. 25-25. Disposal of township records and property. When
16 township organization is discontinued in any county, the
17 records of the several townships shall be deposited in the
18 county clerk's office. The county board or commissioners of the
19 county may close up all unfinished business of the several
20 townships and sell and dispose of any of the property belonging
21 to a township for the benefit of the inhabitants of the
22 township, as fully as might have been done by the townships
23 themselves. The county board or commissioners may pay all the
24 indebtedness of any township existing at the time of the
25 discontinuance of township organization and cause the amount of

1 the indebtedness, or so much as may be necessary, to be levied
2 upon the property of the township.

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

4 (60 ILCS 1/Art. 29 heading new)

5 ARTICLE 29. DISCONTINUANCE OF SINGULAR TOWNSHIP ORGANIZATION

6 WITHIN A COUNTY

7 (60 ILCS 1/29-5 new)

8 Sec. 29-5. Petition to discontinue and abolish a singular
9 township organization within a county. Upon petition of at
10 least 5% of the registered voters of a township, the county
11 board of the county in which the township is located shall
12 certify and cause to be submitted to the voters of the county,
13 at the next election, a proposition to discontinue and abolish
14 that township's township organization and to transfer all the
15 rights, powers, duties, assets, property, liabilities,
16 obligations, and responsibilities of the township organization
17 to the county board, or any county department or officer
18 designated by the county board.

19 A signature on a petition shall not be valid or counted in
20 considering the petition unless the form requirements are
21 complied with and the date of each signature is less than 180
22 days before the last day for filing the petition. The statement
23 of the person who circulates the petition must include an
24 attestation (i) indicating the dates on which that sheet was

1 circulated, (ii) indicating the first and last date on which
2 that sheet was circulated, or (iii) certifying that none of the
3 signatures on the sheet was signed more than 180 days before
4 the last day for filing the petition. The petition shall be
5 treated and the proposition certified in the manner provided by
6 the general election law. After the proposition has once been
7 submitted to the electorate, the proposition shall not be
8 resubmitted for 4 years.

9 The proposition shall be in substantially the following
10 form:

11 Shall (name of township) Township be discontinued and
12 abolished with all the rights, powers, duties, assets,
13 property, liabilities, obligations, and responsibilities
14 being assumed by (name of county) County?

15 The votes shall be recorded as "Yes" or "No".

16 (60 ILCS 1/29-10 new)

17 Sec. 29-10. Cessation of township organization. If a
18 majority of the votes of the county cast are in favor of the
19 proposition to discontinue and abolish the township
20 organization, then the township organization in that township
21 shall cease after expiration of the township officers' terms
22 under Section 29-15 of this Article. All laws relating to
23 counties not under township organization shall be applicable to
24 the township, the same as if township organization had never
25 been adopted.

1 On the effective date of the discontinuance and abolishment
2 of the township organization, all the rights, powers, duties,
3 assets, property, liabilities, obligations, and
4 responsibilities of the township shall by operation of law vest
5 in and be assumed by the county.

6 (60 ILCS 1/29-15 new)

7 Sec. 29-15. Township officers.

8 (a) The township officers of any township that is
9 discontinued pursuant to this Article shall continue as
10 officers of that township until the expiration of the
11 respective terms for which they were elected or appointed.

12 (b) On and after the expiration of the term of a township
13 officer, the county board, or county department or officer
14 designated by the county board, shall exercise all duties and
15 responsibilities of that township officer as provided in the
16 Township Code, the Illinois Public Aid Code, Property Tax Code,
17 and the Illinois Highway Code, as applicable. The county may
18 enter into an intergovernmental agreement or contract with a
19 municipality or the State to administer the duties and
20 responsibilities of that township officer for services under
21 its jurisdiction.

22 (60 ILCS 1/29-20 new)

23 Sec. 29-20. Cessation of township; taxing authority. The
24 county in which the township is located shall assume all taxing

1 authority of the township abolished under this Article. For
2 purposes of distribution of revenue, the county board, or
3 county department or officer designated by the county board,
4 shall assume the powers, duties, and obligations of the
5 township.

6 (60 ILCS 1/29-25 new)

7 Sec. 29-25. Business, records, and property of
8 discontinued township organization. The records of a township
9 organization discontinued under this Article shall be
10 deposited in the county clerk's office. The county board, or
11 county department or officer designated by the county board,
12 may close up all unfinished business of the township and sell
13 and dispose of any of the property belonging to the township
14 for benefit of the inhabitants of the county.

15 Section 20. The Public Health District Act is amended by
16 adding Section 27 as follows:

17 (70 ILCS 905/27 new)

18 Sec. 27. Cessation of township organization. If township
19 organization ceases as provided in Article 29 of the Township
20 Code, then the county board, or county department or officer
21 designated by the county board, shall assume the duties,
22 powers, and responsibilities of the board of health for the
23 public health district under this Act.

1 Section 25. The Illinois Public Aid Code is amended by
2 adding Section 12-3.2 as follows:

3 (305 ILCS 5/12-3.2 new)

4 Sec. 12-3.2. Cessation of township organization. Upon the
5 discontinuance of township organization as provided in Article
6 29 of the Township Code, the county shall provide funds for and
7 administer the public aid program provided by Article VI.

8 Section 30. The Illinois Highway Code is amended by adding
9 Section 5-205.11 as follows:

10 (605 ILCS 5/5-205.11 new)

11 Sec. 5-205.11. Cessation of township organization. If
12 township organization ceases as provided in Article 29 of the
13 Township Code, then the county shall assume the duties of
14 highway commissioner under this Code.

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.