



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB2470

Introduced 2/9/2016, by Sen. Dan Duffy

SYNOPSIS AS INTRODUCED:

See Index

Amends the Township Code. Removes a restriction limiting townships to 126 square miles. Provides that a township plan for altering the boundaries of townships shall require a new property tax rate to be levied on the affected townships after the boundaries are altered. Provides that a county board may by resolution initiate a referendum to discontinue all townships in a county (currently, a referendum can only be initiated by citizen petition). Provides that a county board may elect to restructure into a commission form of government after discontinuance of township organization (currently, a county is required reorganize into a commission form of government). Further provides that the county board or the voters of a township may dissolve all offices of township assessor and multi-township assessor in specified counties with the county assessor or supervisor of assessments replacing each township assessor or multi-township assessor. Amends the Illinois Highway Code. Provides that a township road district, with roads of less than a total of 25 miles in length, may be abolished by the township board of trustees or by public referendum. Amends the Property Tax Code, the Counties Code, and the Public Health District Act making conforming changes.

LRB099 20474 AWJ 44988 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 changing
5 Section 3-70 and by adding Section 18-51 as follows:

6 (35 ILCS 200/3-70)

7 Sec. 3-70. Cessation of Township Assessor.

8 (a) If the office of Township Assessor in a coterminous
9 township ceases as provided in Articles 27 and 28 of the
10 Township Code, then the coterminous municipality shall assume
11 the duties of the Township Assessor under this Code.

12 (b) If the office of Township Assessor ceases as provided
13 in Article 29 of the Township Code, then the Supervisor of
14 Assessments or County Assessor, as applicable, shall assume the
15 duties of the Township Assessor under this Code.

16 (Source: P.A. 98-127, eff. 8-2-13; 99-474, eff. 8-27-15.)

17 (35 ILCS 200/18-51 new)

18 Sec. 18-51. Property tax after alteration of township
19 boundaries. Notwithstanding any other law to the contrary, if:

20 (a) a county board and voters have approved alteration of
21 township boundaries under Article 10 of the Township Code; and

22 (b) a plan adopted by the county board under Section 10-25 of

1 the Township Code contains a requirement that a new property
2 tax rate shall be levied on the affected townships, then the
3 county clerk shall calculate a new township property tax levy
4 for the affected townships for the levy year in the year which
5 the change of boundaries takes place equal to the tax rate
6 provided in the plan. The new property tax levy shall replace
7 the former levies of the affected townships and shall contain
8 all funds of the former tax levies. The county clerk shall
9 proportionally reduce each fund unless otherwise required by
10 the plan.

11 Section 10. The Counties Code is amended by changing the
12 heading of Article Div. 2-4 and Section 2-4006 as follows:

13 (55 ILCS 5/Div. 2-4 heading)

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

16 (55 ILCS 5/2-4006)

17 Sec. 2-4006. Terms of commissioners.

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

23 (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 changing
22 Sections 10-25, 25-5, 25-15, and 25-25, and by adding the
23 heading of Article 29 and Sections 29-5, 29-10, and 29-15 as
24 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 (c) A plan adopted under subsection (a) shall contain a
25 requirement that a new property tax levy be levied on the
26 affected townships no more than the lowest property tax rate of

1 an affected township under Section 18-51 of the Property Tax
2 Code. The plan shall also state what the new tax rate of the
3 new levy will be.

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

5 (60 ILCS 1/25-5)

6 Sec. 25-5. Resolution or petition for ~~Petition~~ and
7 referendum to discontinue township organization. In a county
8 that has adopted township organization, a referendum to
9 discontinue the township organization may be initiated by:

10 (a) resolution of the county board; or

11 (b) upon ~~Upon~~ the petition of at least 10% of the
12 registered voters of each township of a county, as determined
13 on the date registration closed before the regular election
14 next preceding the last day on which the petition may be filed.

15 Upon the adoption of a resolution under subsection (a), or
16 upon the receipt of a petition under subsection (b), ~~that has~~
17 ~~adopted township organization,~~ the county board shall certify
18 and cause to be submitted to the voters of the county, at the
19 next general election, the question of the continuance of
20 township organization. A signature on a petition shall not be
21 valid or counted in considering the petition unless the form
22 requirements are complied with and the date of each signature
23 is less than 90 days before the last day for filing the
24 petition. The statement of the person who circulates the
25 petition must include an attestation (i) indicating the dates

1 on which that sheet was circulated, (ii) indicating the first
2 and last date on which that sheet was circulated, or (iii)
3 certifying that none of the signatures on the sheet was signed
4 more than 90 days before the last day for filing the petition.

5 The proposition shall be substantially in the form:

6 Shall township organization be continued in (name of
7 county)?

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

9 The petition shall be treated and the proposition certified
10 in the manner provided by the general election law. After the
11 proposition has once been submitted to the electorate, the
12 proposition shall not be resubmitted for 4 years.

13 (Source: P.A. 89-235, eff. 8-4-95; 90-112, eff. 1-1-98.)

14 (60 ILCS 1/25-15)

15 Sec. 25-15. Selection of county governing body; election
16 ~~Election~~ of county commissioners. When township organization
17 ceases in any county as provided in this Article, the county
18 board may restructure into a commission form of government on
19 or before 60 days after a township organization ceases. If the
20 county board votes to assume a commission form of government,
21 an election shall be held in the county at the next general
22 election in an even-numbered year for 3 county commissioners
23 who shall hold office for 2, 4, and 6 years, respectively, and
24 until their successors are elected and qualified. Terms shall
25 be determined by lot. At each succeeding general election after

1 the first, one commissioner shall be elected.

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

3 (60 ILCS 1/25-25)

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

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

19 (60 ILCS 1/Art. 29 heading new)

20 ARTICLE 29. DISSOLUTION OF THE OFFICE OF TOWNSHIP

21 ASSESSOR AND MULTI-TOWNSHIP ASSESSOR

22 (60 ILCS 1/29-5 new)

23 Sec. 29-5. Applicability. This Article shall apply only to

1 a county with less than 15,000 parcels and less than
2 \$1,000,000,000 in equalized assessed value.

3 (60 ILCS 1/29-10 new)

4 Sec. 29-10. Resolution or petition for referendum to
5 discontinue all offices of township assessor in a county.

6 (a) The offices of township assessor and multi-township
7 assessor may be discontinued by referendum in all townships
8 lying wholly within a county's borders upon: (1) adoption of a
9 resolution by the county board for the discontinuance of all
10 township assessors and multi-township assessors; (2) adoption
11 of a resolution by the county board for a referendum for the
12 discontinuance of all township assessors and multi-township
13 assessors; or (3) filing of a petition, subject to the petition
14 requirements of Section 28-3 of the Election Code, with the
15 county board to approve by referendum the discontinuance of all
16 township assessors signed by a number of electors equal or
17 greater than 5% of the total votes cast in the county in the
18 preceding general election.

19 (b) A resolution or petition under subsection (a) shall
20 state the purpose expected to be achieved by dissolution of the
21 township assessor and multi-township assessor offices.

22 (c) Upon adoption of the resolution for a referendum or
23 filing of the petition under subsection (a), the county board
24 shall certify the question to the appropriate election
25 officials and file with the county clerk. The resolution for a

1 referendum or petition shall be filed with the county clerk not
2 less than 79 days prior to the general election in which the
3 referendum will appear.

4 (d) Upon the adoption of the resolution for a referendum or
5 filing of the petition under subsection (a), the county board
6 shall publish the resolution for a referendum or petition in a
7 newspaper or newspapers of general circulation in each of the
8 affected townships, in a newspaper of general circulation in
9 the county, and on the county's website if the county has a
10 website.

11 (60 ILCS 1/29-15 new)

12 Sec. 29-15. Referendum; approval. If a petition for a
13 referendum is filed with the county clerk that meets the
14 requirements of Section 29-10 of this Article or a resolution
15 for a referendum is adopted, a referendum, subject to the
16 requirements of 16-7 of the Election Code, shall be placed on
17 the ballot at the next general election in substantially the
18 following form:

19 Shall the offices of township assessor and
20 multi-township assessor be abolished in all townships in ...
21 County and the duties of each township assessor and
22 multi-township assessor be transferred to the next elected
23 county assessor or county supervisor of assessments
24 following the next general election?

25 The votes shall be recorded as "Yes" or "No." The referendum is

1 approved when: (1) three-quarters of the townships of the
2 county approve the referendum; and (2) the population of the
3 townships that approved the referendum is equal to or greater
4 than a majority of the entire county population. If approved,
5 then the offices of township assessor and multi-township
6 assessor shall cease in each township in the county on the
7 January 1 following the election at which the referendum was
8 approved and: the county assessor or supervisor of assessments
9 shall assume the duties of the township assessor and
10 multi-township assessor under the Property Tax Code; and the
11 county board shall appoint a replacement member for any public
12 health district in which an assessor was a member under Section
13 11 of the Public Health District Act.

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

16 (70 ILCS 905/27 new)

17 Sec. 27. Cessation of township assessor. If the office of
18 township assessor ceases as provided in Article 29 of the
19 Township Code, then the county board shall appoint a
20 replacement member for any public health district in which an
21 assessor was a member under Section 11 of this Act.

22 Section 25. The Illinois Highway Code is amended by
23 changing Section 6-130 and by adding Section 6-130.5 as

1 follows:

2 (605 ILCS 5/6-130) (from Ch. 121, par. 6-130)

3 Sec. 6-130. Mandatory and permissive road district
4 abolishment.

5 (a) For purposes of this Section, the roads forming a part
6 of a township road district include those roads maintained by
7 the district, regardless of whether or not those roads are
8 owned by the township.

9 (b) Notwithstanding any other provision of this Act to the
10 contrary, no township road district may continue in existence
11 if the roads forming a part of the district do not exceed a
12 total of 4 miles in length. ~~For purposes of this Section, the~~
13 ~~roads forming a part of a township road district include those~~
14 ~~roads maintained by the district, regardless of whether or not~~
15 ~~those roads are owned by the township.~~ On the first Tuesday in
16 April of 1975, or of any subsequent year next succeeding the
17 reduction of a township road system to a total mileage of 4
18 miles or less, each such township road district shall, by
19 operation of law, be abolished. The roads comprising that
20 district at that time shall thereafter be administered by the
21 township board of trustees by contracting with the county, a
22 municipality or a private contractor. The township board of
23 trustees shall assume all taxing authority of a township road
24 district abolished under this Section.

25 (c) Notwithstanding any other provision of this Act to the

1 contrary, a township road district in a county may be abolished
2 as provided in Section 6-130.5 of this Act, if the roads
3 forming part of the district are less than a total of 25 miles
4 in length.

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

6 (605 ILCS 5/6-130.5 new)

7 Sec. 6-130.5. Abolishing a road district with less than 25
8 miles of roads. Any township may abolish a road district of
9 that township if the roads of the district of that township are
10 less than 25 miles in length:

11 (a) by resolution of three-fifths of the board of trustees;
12 or

13 (b) by resolution of a majority of the board of trustees to
14 submit a referendum to abolish the road district of that
15 township. The referendum shall be submitted to the electors of
16 that township at the next general election or consolidated
17 election in accordance with the general election law. The
18 ballot shall be in substantially the following form:

19 -----
20 Shall the Road District of the Township of
21 be abolished with all the rights,
22 powers, duties, assets, property, liabilities, YES
23 obligations, and responsibilities being assumed -----
24 by the Township of ? NO
25 ----- ; or

1 (c) by filing of a petition, subject to the petition
 2 requirements of Section 28-3 of the Election Code, with the
 3 township board of trustees to approve by referendum the
 4 abolishment of the road district signed by at least 5% of the
 5 votes cast in the township in the last general election. The
 6 petitioners shall have a minimum of 180 days to collect
 7 signatures for the petition.

8 Upon the filing of the petition under this subsection (c),
 9 the board of trustees shall certify the question to the
 10 appropriate election officials and file with the county clerk.
 11 The petition shall be filed with the county clerk not less than
 12 79 days prior to the general or consolidated election in which
 13 the referendum will appear. The referendum shall be submitted
 14 to the electors of that township at the next general election
 15 or consolidated election in accordance with the general
 16 election law. The ballot shall be in substantially the
 17 following form:

18 -----
 19 Shall the Road District of the Township of
 20 be abolished with all the rights,
 21 powers, duties, assets, property, liabilities, YES
 22 obligations, and responsibilities being assumed -----
 23 by the Township of ? NO
 24 ----- .

25 In the event that an resolution is passed under subsection
 26 (a) or majority of the electors voting on the referendum under

1 subsections (b) or (c) are in favor of abolishing the township
2 road district, then the road district shall be abolished by
3 operation of law effective on the January 1 following the
4 approval of the resolution or referendum.

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

1 INDEX

2 Statutes amended in order of appearance

3 35 ILCS 200/3-70

4 35 ILCS 200/18-51 new

5 55 ILCS 5/Div. 2-4 heading

6 55 ILCS 5/2-4006

7 60 ILCS 1/10-25

8 60 ILCS 1/25-5

9 60 ILCS 1/25-15

10 60 ILCS 1/25-25

11 60 ILCS 1/Art. 29 heading

12 new

13 60 ILCS 1/29-5 new

14 60 ILCS 1/29-10 new

15 60 ILCS 1/29-15 new

16 70 ILCS 905/27 new

17 605 ILCS 5/6-130 from Ch. 121, par. 6-130

18 605 ILCS 5/6-130.5 new