



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB4067

by Rep. Jim Durkin

#### SYNOPSIS AS INTRODUCED:

See Index

Creates the Citizens Empowerment Act. Provides that registered voters may petition for a referendum at the next general election to dissolve a unit of local government. Sets forth the requirements for the petition, together with the form and requirements for the ballot referendum. Provides for the transfer of property, assets, obligations, and liabilities of the dissolving unit of local government to the receiving unit of local government. Limits when a special district may dissolve into another unit of local government. Defines terms. Amends the Local Government Reduction and Efficiency Division of the Counties Code. Provides that the Division applies to all counties (currently, only applies to DuPage, Lake, and McHenry Counties). Excludes specified boards from the definition of "unit of local government". Provides how the status and rights of employees are affected by the dissolution of a unit of local government. Provides for the assumption of obligations of the dissolving unit of local government by the entity absorbing the dissolving unit. Amends the Township Code. Removes a restriction limiting townships to 126 square miles. Provides for the consolidation, merger, and dissolution of specified townships within a coterminous, or substantially coterminous, municipality. Makes other changes. Amends the Election Code. Specifies procedures for township consolidation, merger, and discontinuance referenda and provides exceptions for the Citizens Empowerment Act. Amends the Illinois Highway Code. Provides that specified township road districts may be abolished by public referendum. Effective on January 1, 2018.

LRB100 13141 RJF 27531 b

HOME RULE NOTE  
ACT MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

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 1. Short title. This Act may be cited as the  
5 Citizens Empowerment Act.

6 Section 5. Scope. The method of dissolution of a unit of  
7 local government under this Act shall be in addition to any  
8 other method of dissolving a unit of local government provided  
9 by law or otherwise.

10 Section 10. Definitions. As used in this Act:

11 "Dissolving unit of local government" means the unit of  
12 local government proposed to be dissolved by referendum under  
13 this Act.

14 "Receiving unit of local government" means the unit of  
15 local government receiving the rights, duties, and liabilities  
16 of the unit of local government proposed be dissolved by  
17 referendum under this Act.

18 "Special district" means any political subdivision other  
19 than a county, municipality, or township. "Special district"  
20 includes school districts.

21 "Unit of local government" has the same meaning as found in  
22 Section 1 of Article VII of the Illinois Constitution and also

1 include school districts.

2 Section 15. Petition requirements; notice.

3 (a) Subject to the petition requirements of Section 28-3 of  
4 the Election Code and the dissolution limitations of Section  
5 35, petitions for a referendum to dissolve any unit of local  
6 government must be filed both with the governing board of the  
7 dissolving unit of local governmental and the governing board  
8 of the receiving unit of local government not less than 122  
9 days prior to a general election. Petitions must include:

10 (1) the dissolving unit of local government;

11 (2) the receiving unit of local government;

12 (3) the date of dissolution;

13 (4) signatures of a number of registered voters equal  
14 to or greater than 5% of the total ballots cast in the  
15 preceding general election; and

16 (5) an affidavit of publication, attesting that notice  
17 of the petition to dissolve a local unit of government was  
18 published in a newspaper of general circulation within the  
19 territory of the dissolving unit of local government and  
20 the receiving unit of local government at least 122 days  
21 and no more than 152 days prior to the general election at  
22 which the referendum is to be voted upon.

23 All signatures gathered under paragraph (4) of this  
24 subsection (a) must be signed within 365 days prior to the  
25 filing of a petition. A unit of local government may, by

1 ordinance or resolution, limit the time in which signatures  
2 must be signed to less than 365 days prior to the filing of the  
3 petition but no less than 180 days before the filing of a  
4 petition. If either the dissolving unit of local government or  
5 receiving unit of local government has such an ordinance or  
6 resolution, the petition shall not be placed on the ballot if  
7 any signatures do not meet the requirements of any ordinance or  
8 resolution.

9 (b) The proposed date of dissolution shall be at least 90  
10 days after the date of the election at which the referendum is  
11 to be voted upon.

12 (c) The parties filing a petition under this Section shall  
13 give notice in substantially the following form:

14 NOTICE OF PETITION TO DISSOLVE [dissolving unit of local  
15 government].

16 Residents of [dissolving unit of local government] and  
17 [receiving unit of local government] are notified that a  
18 petition will be filed with [dissolving unit of local  
19 government] and [receiving unit of local government]  
20 requesting a referendum to dissolve [dissolving unit of  
21 local government] on [date of dissolution] with all real  
22 and personal property, and any other assets, together with  
23 all personnel, contractual obligations, and liabilities  
24 being transferred to [receiving unit of local government].



1           Section 30. Dissolution; transfer of rights and duties.  
2           When the dissolution of a unit of local government has been  
3           approved under Section 25:

4                   (1) On or before the date of dissolution, all real and  
5                   personal property, and any other assets, together with all  
6                   personnel, contractual obligations, and liabilities of the  
7                   dissolving unit of local government shall be transferred to  
8                   the receiving unit of local government.

9                   (2) On the date of dissolution, the dissolving unit of  
10                  local government is dissolved.

11                  (3) On and after the date of dissolution, all rights  
12                  and duties of the dissolved unit of local government,  
13                  including, but not limited to, the authority to tax (if  
14                  any), may be exercised by the governing board of the  
15                  receiving unit of local government.

16           Section 35. Limitations on dissolution.

17                   (a) A special district may only dissolve into another  
18                   special district under this Act if both: (1) the special  
19                   districts are contiguous; and (2) the special districts are  
20                   organized under the same statutory authority.

21                   (b) A county, municipality, or township may not be  
22                   dissolved into a special district.

23                   (c) Special districts may only be dissolved into a county  
24                   or township if the special district is completely within the  
25                   borders of that county or township.

1 (d) Special districts may be dissolved into a municipality  
2 as long as the special district is at least partially within,  
3 or contiguous to, the municipality's borders.

4 (e) There may only be one referendum per dissolving unit of  
5 local government per general election.

6 (f) A county may only be dissolved into another contiguous  
7 county.

8 (g) A municipality or township may only be dissolved into  
9 another county, municipality, or township if it is contiguous,  
10 coterminous, or within the receiving unit of local government.

11 Section 905. The Election Code is amended by adding Section  
12 3-7 and by changing Sections 28-1 and 28-7 as follows:

13 (10 ILCS 5/3-7 new)

14 Sec. 3-7. Voters in consolidating and merging townships.

15 (a) In the consolidated election where township trustees  
16 are elected next following the certification of a successful  
17 referendum to consolidate townships under Article 22 of the  
18 Township Code, the qualified electors entitled to caucus, vote  
19 for, be nominated for, and run for offices in the consolidated  
20 township that is to be formed are those registered voters  
21 residing in any of the townships identified in the referendum  
22 as they exist prior to consolidation.

23 (b) In the consolidated election where township trustees  
24 are elected next following the certification of a successful

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

12 (10 ILCS 5/28-1) (from Ch. 46, par. 28-1)

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

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

24 The method of initiating the submission of a public  
25 question shall be as provided by the statute authorizing such



1 public question, or as provided by the Constitution.

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

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

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

26 If more than 3 propositions are timely initiated or

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

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

1 such election, the public question shall be voted upon by all  
2 the qualified voters of the entire existing or proposed  
3 political subdivision at the election.

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

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

15 (10 ILCS 5/28-7) (from Ch. 46, par. 28-7)

16 Sec. 28-7. Except as provided in the Citizens Empowerment  
17 Act, in ~~in~~ any case in which Article VII or paragraph (a) of  
18 Section 5 of the Transition Schedule of the Constitution  
19 authorizes any action to be taken by or with respect to any  
20 unit of local government, as defined in Section 1 of Article  
21 VII of the Constitution, by or subject to approval by  
22 referendum, any such public question shall be initiated in  
23 accordance with this Section.

24 Any such public question may be initiated by the governing  
25 body of the unit of local government by resolution or by the

1 filing with the clerk or secretary of the governmental unit of  
2 a petition signed by a number of qualified electors equal to or  
3 greater than at least 8% of the total votes cast for candidates  
4 for Governor in the preceding gubernatorial election,  
5 requesting the submission of the proposal for such action to  
6 the voters of the governmental unit at a regular election.

7 If the action to be taken requires a referendum involving 2  
8 or more units of local government, the proposal shall be  
9 submitted to the voters of such governmental units by the  
10 election authorities with jurisdiction over the territory of  
11 the governmental units. Such multi-unit proposals may be  
12 initiated by appropriate resolutions by the respective  
13 governing bodies or by petitions of the voters of the several  
14 governmental units filed with the respective clerks or  
15 secretaries.

16 This Section is intended to provide a method of submission  
17 to referendum in all cases of proposals for actions which are  
18 authorized by Article VII of the Constitution by or subject to  
19 approval by referendum and supersedes any conflicting  
20 statutory provisions except those contained in Division 2-5 of  
21 the Counties Code or the Citizens Empowerment Act ~~the "County~~  
22 ~~Executive Act"~~.

23 Referenda provided for in this Section may not be held more  
24 than once in any 23-month period on the same proposition,  
25 provided that in any municipality a referendum to elect not to  
26 be a home rule unit may be held only once within any 47-month

1 period.

2 (Source: P.A. 97-81, eff. 7-5-11.)

3 Section 910. The Counties Code is amended by changing the  
4 heading of Division 2-4, and by changing Sections 2-4006,  
5 5-44010, 5-44020, and by adding Section 5-44043 as follows:

6 (55 ILCS 5/Div. 2-4 heading)

7 Division 2-4. Counties not under

8 Township Organization

9 Organized as a Commission

10 Form of Government

11 (55 ILCS 5/2-4006)

12 Sec. 2-4006. Terms of commissioners.

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

18 (b) In a county in which one commissioner was elected at  
19 the general election in 1992 to serve for a term of 4 years and  
20 in which 2 commissioners will be elected at the general  
21 election in 1994, the commissioner elected in 1994 and  
22 receiving the greatest number of votes shall serve for a term  
23 of 6 years. The other commissioner elected in 1994 shall serve

1 for a term of 4 years. At the general election in 1996 and at  
2 each general election thereafter, one commissioner shall be  
3 elected to serve for a term of 6 years.

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

14 (c-5) In Calhoun County, Edwards County, and Union County,  
15 the registered voters of the county may, upon referendum  
16 initiated by (i) the adoption of a resolution of the board of  
17 county commissioners or (ii) a petition signed by not less than  
18 10% of the registered voters in the county, determine that the  
19 board of county commissioners shall consist of 5 commissioners  
20 elected at large. The commissioners must certify the question  
21 to the proper election authority, which must submit the  
22 question at an election in accordance with the general election  
23 law.

24 The question shall be submitted in substantially the  
25 following form:

26 "Shall the board of county commissioners of (county)

1 consist of 5 commissioners elected at large?"

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

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

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

16 (55 ILCS 5/5-44010)

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

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

22 (55 ILCS 5/5-44020)

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

24 "Fire protection jurisdiction" means a fire protection

1 district, municipal fire department, or service organized  
2 under Section 5-1056.1 of the Counties Code, Sections 195 and  
3 200 of the Township Code, Section 10-2.1 of the Illinois  
4 Municipal Code, or the Illinois Fire Protection District Act.

5 "Governing board" means the individual or individuals who  
6 constitute the corporate authorities of a unit of local  
7 government.

8 "Unit of local government" or "unit" means any unit of  
9 local government located entirely within one county, to which  
10 the county board chairman or county executive directly appoints  
11 a majority of its governing board with the advice and consent  
12 of the county board, but shall not include a fire protection  
13 district that directly employs any regular full-time  
14 employees, a conservation district organized under the  
15 Conservation District Act, ~~or~~ a special district organized  
16 under the Water Commission Act of 1985, a community mental  
17 health board established under the Community Mental Health  
18 Board Act, or a board established under the County Care for  
19 Persons with Developmental Disabilities Act.

20 (Source: P.A. 98-126, eff. 8-2-13; 98-756, eff. 7-16-14;  
21 99-709, eff. 8-5-16.)

22 (55 ILCS 5/5-44043 new)

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

24 (a) The status and rights of employees represented by an  
25 exclusive bargaining representative shall not be affected by



1 the dissolution of a unit of local government under this  
2 Division, except that this subsection does not apply in DuPage,  
3 Lake, and McHenry Counties for actions taken before the  
4 effective date of this amendatory Act of the 100th General  
5 Assembly.

6 (b) Obligations of the dissolving unit of local government  
7 assumed by the trustee-in-dissolution, county, or governing  
8 body of a special service area include the obligation to honor  
9 representation rights under the Illinois Public Labor  
10 Relations Act and any collective bargaining agreements  
11 existing on the date of dissolution of the unit of local  
12 government.

13 (c) The rights of employees under any pensions, retirement  
14 plans, or annuity plans existing on the date of dissolution of  
15 the unit of local government are not affected by the  
16 dissolution of a unit of local government under this Division.

17 Section 915. The Township Code is amended by adding  
18 Articles 22, 23, and 29 and by changing Sections 10-25, 25-15,  
19 25-25, and 65-20 as follows:

20 (60 ILCS 1/10-25)

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

22 (a) The county board of each county may, subject to a  
23 referendum in the townships affected as provided in this  
24 Section, adopt a plan for altering the boundaries of townships,

1 changing township lines, dividing, enlarging, or consolidating  
2 townships, or creating new townships, so that each township  
3 shall possess an equalized assessed valuation of not less than  
4 \$10,000,000 as of the 1982 assessment year ~~or an area of not~~  
5 ~~more than 126 square miles.~~

6 (b) No alteration or change in boundaries shall be  
7 effective unless approved by a referendum in each township  
8 affected. The election authority shall submit to the voters of  
9 each township affected, at a regular election to be held not  
10 less than 60 days after the plan is adopted, the question of  
11 approving the alteration or change. The alterations or changes,  
12 if approved by the voters, shall take effect on the date of the  
13 next township election and shall be applicable to that  
14 election. If there is doubt as to the township clerk with whom  
15 nomination papers for that election should be filed, the county  
16 board shall designate the clerk. In the alteration of  
17 boundaries, a county board may not disturb urban or coterminous  
18 townships in existence on October 1, 1978.

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

20 (60 ILCS 1/Art. 22 heading new)

21 ARTICLE 22. CONSOLIDATION OF

22 MULTIPLE TOWNSHIPS

23 (60 ILCS 1/22-5 new)

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

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

7           (1) the name of the proposed new consolidated township  
8 or the name of the existing township into which all  
9 townships will be consolidated;

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

14          (3) the names of all townships that will be  
15 consolidating and a description of the area of  
16 consolidation; and

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

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

24       (b) Before passing a resolution under subsection (a), each  
25 township board shall hold a public hearing on those matters  
26 after notice of the hearing has been published in a newspaper

1 having a general circulation in the townships affected. The  
2 notice shall be published at least 30 days before the date of  
3 the hearing. The notice shall contain, at a minimum, the name  
4 of all townships that will be consolidating and a description  
5 of the area of consolidation.

6 (60 ILCS 1/22-10 new)

7 Sec. 22-10. Referendum.

8 (a) Upon the adoption of resolutions under Section 22-5 by  
9 each township, the township boards shall certify the question  
10 to the election authority and the authority shall cause to be  
11 submitted to the voters of each township at the general  
12 election specified in the resolutions a referendum to  
13 consolidate the townships. The referendum shall be  
14 substantially in the following form:

15 Shall (names of townships) be consolidated into [a new  
16 township called (name of proposed consolidated  
17 township)/the township of (name of existing township)]?

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

21 (b) Before a referendum appears on the ballot under  
22 subsection (a), each township board shall publish a copy of the  
23 adopted resolution in a newspaper having a general circulation  
24 in each of the townships affected. The notice shall be  
25 published at least 30 days before the date of the general

1 election in which the referendum will appear.

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

9 (c) Notwithstanding any provision of law to the contrary,  
10 no tax rate may be extended for any fund of the consolidated  
11 district for the first levy year of the consolidated district  
12 that exceeds any statutory maximum set forth for that fund,  
13 unless the referendum also conforms to the requirements of the  
14 Property Tax Extension Limitation Law or other statutory  
15 provision setting forth that limitation.

16 (60 ILCS 1/22-15 new)

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

20 (a) There shall be no further nominations or elections for  
21 clerks, assessors, collectors, highway commissioners,  
22 supervisors, or trustees of any of the separate townships or  
23 highway commissions, and the terms of all such officers  
24 currently serving shall continue until the third Monday of May  
25 of the year in which township officials are elected next

1 following the approval of a referendum under Section 22-10.

2 (b) A Transition Township Board is formed and is composed  
3 of the members of the separate townships boards. The Transition  
4 Township Board shall have only the following powers: (1) to  
5 propose and approve the compensation of all officials of the  
6 consolidated township that will be elected at the consolidated  
7 election next following the passage of the referendum under  
8 Section 22-10; and (2) to propose and approve additional debt  
9 to be taken on by any of the separate townships.

10 (c) The Transition Township Board shall hold a public  
11 hearing no later than the last Tuesday in December before the  
12 consolidated township board of trustees are elected next  
13 following the approval of a referendum under Section 22-10. If  
14 the Board cannot agree on the compensation for an official by  
15 the first Tuesday in April before the consolidated election of  
16 township officials next following the approval of a referendum  
17 under Section 22-10, then the compensation for that official  
18 shall be equal to the lowest compensation for the same office  
19 between the separate townships in the previous calendar year.

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

24 (e) Section 3-7 of the Election Code shall govern those  
25 individuals entitled to caucus, vote for, be nominated for, and  
26 run for offices for the consolidated township at the

1 consolidated election of township officials next following the  
2 approval of a referendum under Section 22-10.

3 (60 ILCS 1/22-20 new)

4 Sec. 22-20. Consolidated township.

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

8 (1) the separate townships cease and the consolidated  
9 township is created;

10 (2) all rights, powers, duties, assets, and property,  
11 together with all personnel, contractual obligations,  
12 other obligations, responsibilities, and liabilities of  
13 the separate townships are transferred to the consolidated  
14 township; those rights include, but are not limited to, the  
15 authority to continue to collect, receive, and expend the  
16 proceeds of any tax levied by any of the separate townships  
17 prior to the creation of the consolidated township without  
18 an additional ordinance, resolution, or referendum; the  
19 proceeds of any tax levied by any of the separate townships  
20 prior to the creation of the consolidated township shall be  
21 expended or disposed of by the consolidated township in the  
22 same manner as such assessments might have been expended or  
23 disposed of by the separate townships; however, if the  
24 consolidated township board determines that there is a  
25 surplus in the fund for general township purposes on

1       December 31 of the calendar year in which the consolidation  
2       occurs, then any portion of the surplus that is solely  
3       attributable to the consolidation shall be refunded to the  
4       owners of record of taxable property within the  
5       consolidated district on a pro rata basis; and

6           (3) road districts located within the separate  
7       townships are abolished.

8       (b) When a new township is created, a new road district  
9       encompassing the consolidated township is created. All the  
10       rights, powers, duties, assets, property, liabilities,  
11       obligations, and responsibilities of the separate road  
12       districts shall vest in and be assumed by the new road district  
13       as provided for in the resolutions adopted under Section 22-5.  
14       The new township board of trustees shall exercise the taxing  
15       authority of a road district abolished under this Section. The  
16       highway commissioners of the abolished road districts shall  
17       cease to hold office on the date the road district is  
18       abolished. The new township board shall exercise all duties and  
19       responsibilities of the highway commissioner as provided in the  
20       Illinois Highway Code. For purposes of distribution of revenue,  
21       the new township shall assume the powers, duties, and  
22       obligations of the road district of the dissolving road  
23       district. The new township board may enter into a contract with  
24       the county, a municipality, or a private contractor to  
25       administer the roads under the new road district.

26       (c) When a township consolidates into an existing township,



1 all the rights, powers, duties, assets, property, liabilities,  
2 obligations, and responsibilities of the abolished road  
3 districts shall vest in and be assumed by the existing  
4 township's road district as provided for in the resolutions  
5 adopted under Section 22-5. The consolidated township board of  
6 trustees shall exercise the taxing authority of a road district  
7 abolished under this Section. Highway commissioners of the  
8 abolished road districts shall cease to hold office on the date  
9 the road district is abolished. The consolidated township shall  
10 exercise all duties and responsibilities of the highway  
11 commissioner as provided in the Illinois Highway Code. For  
12 purposes of distribution of revenue, the existing township's  
13 road district or districts shall assume the powers, duties, and  
14 obligations of the road district of the dissolving road  
15 district.

16 (60 ILCS 1/Art. 23 heading new)

17 ARTICLE 23. MERGER OF A SINGLE  
18 TOWNSHIP INTO TWO OTHER TOWNSHIPS

19 (60 ILCS 1/23-5 new)

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

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

24 "Dissolving township" means a township which is proposed to

1 be dissolved into and be merged with 2 other adjacent  
2 townships.

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

5 "Debt" means indebtedness incurred by a dissolving  
6 township including, but not limited to, mortgages, judgments,  
7 and moneys due through the issuance and sale of bonds, or  
8 through an equivalent manner of borrowing for which notes or  
9 other evidences of indebtedness are issued fixing the amount of  
10 principal and interest from time to time payable to retire the  
11 indebtedness.

12 "Receiving township" means a township into which a portion  
13 of the dissolving township will be merged.

14 (60 ILCS 1/23-10 new)

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

16 (a) Notwithstanding any other provision of law to the  
17 contrary, the township boards of any 3 adjacent townships may,  
18 by identical resolutions of each board, propose that a township  
19 which borders the other 2 townships be dissolved by referendum  
20 and all rights, powers, duties, assets, and property, together  
21 with all personnel, contractual obligations, other  
22 obligations, responsibilities, and liabilities of the  
23 dissolving township transferred to the receiving townships.  
24 Each resolution shall include, but is not limited to, the  
25 following:

1           (1) a legal description of the former territory of the  
2           dissolving township each receiving township will take upon  
3           the dissolution of the dissolving township;

4           (2) a description of how all assets and property,  
5           together with all personnel, contractual obligations,  
6           other obligations, responsibilities, and liabilities of  
7           the dissolving township will be transferred to the  
8           receiving townships;

9           (3) the tax rates for general township purposes for the  
10           immediately preceding levy year, as extended and collected  
11           in the year in which the resolution is adopted, for the  
12           dissolving township and each receiving township;

13           (4) a description and amount of all debt each receiving  
14           township shall assume after the dissolving township  
15           dissolves. The debt shall be assumed by each receiving  
16           township in equal proportion to the equalized assessed  
17           value of the land and property that will be received by  
18           each receiving township from the dissolving township  
19           unless otherwise agreed to in the resolutions;

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

23           (6) the date of the general election at which the  
24           referendum shall be held.

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

1       (b) Before passing a resolution under this Section, each  
2       township board shall hold a public hearing on those matters  
3       after notice of the hearing has been published in a newspaper  
4       having a general circulation in the townships affected. The  
5       notice shall be published at least 30 days before the date of  
6       the hearing. The notice shall contain, at a minimum, the name  
7       of the dissolving township and receiving townships and a  
8       description of the area each receiving township will receive  
9       from the dissolving township.

10       (60 ILCS 1/23-15 new)

11       Sec. 23-15. Referendum and notices.

12       (a) Upon the adoption of resolutions under Section 23-10 by  
13       all townships, the township boards shall certify the question  
14       to the election authority and the authority shall cause to be  
15       submitted to the voters of all townships at the general  
16       election specified in the resolutions a referendum to  
17       consolidate the townships. The referendum shall be  
18       substantially in the following form:

19               Shall (name of dissolving township) be dissolved into  
20               (names of receiving townships)?

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

24       (b) Before a referendum appears on the ballot under  
25       subsection (a), the township boards shall publish a copy of the

1 adopted resolution in a newspaper having a general circulation  
2 in each of the townships affected. The notice shall be  
3 published at least 30 days before the date of the general  
4 election.

5 Each township board shall additionally mail a copy of the  
6 adopted resolution, along with a copy of the referendum  
7 language and a list of all taxes levied for general township  
8 purposes in the affected townships, to every registered voter  
9 in each township affected. The notice shall be mailed at least  
10 30 days before the date of the general election in which the  
11 referendum will appear.

12 (60 ILCS 1/23-20 new)

13 Sec. 23-20. Transition.

14 (a) Notwithstanding any other provision of law to the  
15 contrary, upon the approval of a referendum under Section  
16 23-15:

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

24 (2) a Transition Township Board is formed for each  
25 receiving township. Each Transition Township Board shall

1 be composed of the members of the dissolving township  
2 boards plus the members of the receiving township board.  
3 The Transition Township Board shall only have authority to  
4 do the following under paragraphs (3) and (4) of this  
5 Section: provide for the compensation for all receiving  
6 township officials that will be elected at the consolidated  
7 election next following the approval of a referendum under  
8 Section 23-15; and approving additional debt to be taken on  
9 by the dissolving township;

10 (3) each Transition Township Board shall hold a public  
11 meeting no later than the first Tuesday in April before the  
12 receiving townships' boards of trustees are elected at the  
13 consolidated election next following the approval of a  
14 referendum under Section 23-15. At this public meeting, the  
15 Transition Township Board shall provide for the  
16 compensation for all township officials that will be  
17 elected at the consolidated election. If the Board cannot  
18 agree on the compensation for an official, then the  
19 compensation for the same office between the receiving and  
20 dissolving townships shall be the lower compensation for  
21 the office in the dissolving township or receiving  
22 township;

23 (4) the dissolving township shall not incur any  
24 additional debt without the approval of the Transition  
25 Township Board of each receiving township that would assume  
26 such debt after dissolution of the dissolving township; and

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

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

11           (60 ILCS 1/23-25 new)

12           Sec. 23-25. Merged township. On the third Monday of May of  
13           the year in which township officials are elected following the  
14           approval of a referendum under Section 23-15, the following  
15           shall occur:

16           (a) The dissolving township ceases.

17           (b) All rights, powers, duties, assets, and property,  
18           together with all personnel, contractual obligations,  
19           other obligations, responsibilities, and liabilities of  
20           the dissolving township are transferred to the receiving  
21           townships as provided in the resolution adopted under  
22           Section 23-10. The rights include, but are not limited to,  
23           the authority to continue to collect and receive any tax  
24           levied prior to the creation of the merged townships  
25           without an additional ordinance, resolution, or

1       referendum.

2           (c) Road districts located within the dissolving  
3 township are abolished and all the rights, powers, duties,  
4 assets, property, liabilities, obligations, and  
5 responsibilities of the dissolving road districts shall  
6 vest in and be assumed by the receiving townships' road  
7 districts as provided for in the resolutions adopted under  
8 Section 23-10; the boards of trustees of the receiving  
9 townships shall exercise the taxing authority of a road  
10 district dissolved under this Section and shall exercise  
11 all duties and responsibilities of the highway  
12 commissioner as provided in the Illinois Highway Code  
13 unless a road district in the receiving township has a  
14 highway commissioner who shall assume all duties and  
15 responsibilities of the highway commissioner of the  
16 dissolving road districts if so resolved by the receiving  
17 township board; highway commissioners of the dissolving  
18 road districts shall cease to hold office on the date the  
19 road district is abolished; and for purposes of  
20 distribution of revenue, the receiving townships' road  
21 districts, or the township board if no road districts  
22 exist, shall assume the powers, duties, and obligations of  
23 the dissolving road district.

24       (60 ILCS 1/25-15)

25       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 board of county  
19 commissioners of the county may close up all unfinished  
20 business of the several townships and sell or ~~and~~ dispose of  
21 any of the property belonging to a township for the benefit of  
22 the inhabitants of the township, as fully as might have been  
23 done by the townships themselves. The county board or board of  
24 county commissioners may pay all the indebtedness of any  
25 township existing at the time of the discontinuance of township

1 organization and cause the amount of the indebtedness, or so  
2 much as may be necessary, to be levied upon the property of the  
3 township.

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

5 (60 ILCS 1/Art. 29 heading new)

6 ARTICLE 29. DISCONTINUANCE OF  
7 TOWNSHIP WITHIN COTERMINOUS  
8 MUNICIPALITY: ALL TOWNSHIPS

9 (60 ILCS 1/29-5 new)

10 Sec. 29-5. Resolutions to discontinue and abolish a  
11 township. The township board and the corporate authorities of a  
12 coterminous, or substantially coterminous, municipality may by  
13 resolutions of the board and corporate authorities, and after  
14 referendum of the voters of the township and municipality: (1)  
15 discontinue and abolish the township; (2) transfer all the  
16 rights, powers, duties, assets, property, liabilities,  
17 obligations, and responsibilities of the township to the  
18 municipality; and (3) cease and dissolve all township road  
19 districts with the district's jurisdiction and authority  
20 transferred to the municipality upon the dissolution of the  
21 township.

22 (60 ILCS 1/29-10 new)

23 Sec. 29-10. Notice.

1       (a) Before passing resolutions under Section 29-5, the  
2       township board and the corporate authorities of the  
3       municipality shall hold public hearings on those matters after  
4       notice of the hearing has been published in a newspaper having  
5       general circulation in the township and municipality. The  
6       notice shall be published at least 30 days before the date of  
7       the hearing.

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

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

21           (60 ILCS 1/29-15 new)

22      Sec. 29-15. Referendum for cessation of township. Upon the  
23      adoption of resolutions under Section 29-5 by both the township  
24      and municipality, the township board and corporate authorities  
25      of the municipality shall certify the question to the election

1 authority and the authority shall cause to be submitted to the  
2 voters of the township and municipality at the next election a  
3 referendum to discontinue the township and to transfer all the  
4 rights, powers, duties, assets, property, liabilities,  
5 obligations, and responsibilities of the township to the  
6 municipality. The referendum shall be substantially in the  
7 following form:

8     Shall the township of (name of township) Township  
9     cease?

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

13     If the referendum is approved there shall be no further  
14 nominations or elections for clerks, assessors, collectors,  
15 highway commissioners, supervisors, or trustees of the  
16 township or highway commission, and the terms of all such  
17 officers currently serving shall continue until the third  
18 Monday of May of the year of the consolidated election in which  
19 township officials are elected next following the approval of a  
20 referendum under this Section.

21 (60 ILCS 1/29-20 new)

22     Sec. 29-20. Cessation of township. On the third Monday in  
23 May in the year of the consolidated election in which township  
24 officials are elected next following the approval of a  
25 referendum under Section 29-15:

1           (1) the township is discontinued and abolished and all  
2           the rights, powers, duties, assets, property, liabilities,  
3           obligations, and responsibilities of the township shall  
4           vest in and be assumed by the municipality, including the  
5           authority to levy property taxes for township purposes in  
6           the same manner as the dissolved township without an  
7           additional ordinance, resolution, or referendum;

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

9           (3) the municipality shall exercise all duties and  
10           responsibilities of the township officers as provided in  
11           the Township Code, the Illinois Public Aid Code, the  
12           Property Tax Code, and the Illinois Highway Code, as  
13           applicable. The municipality may enter into an  
14           intergovernmental agreement with the county or the State to  
15           administer the duties and responsibilities of the township  
16           officers for services under its jurisdiction; and

17           (4) any road district located within the township is  
18           abolished and its jurisdiction, rights, powers, duties,  
19           assets, property, liabilities, obligations, and  
20           responsibilities shall vest in and be assumed by the  
21           municipality and the highway commissioner of the abolished  
22           road district shall cease to hold office. The corporate  
23           authorities of the municipality shall: exercise the taxing  
24           authority of a road district abolished under this Section;  
25           exercise all duties and responsibilities of the highway  
26           commissioner as provided in the Illinois Highway Code; and

1       for purposes of distribution of revenue, assume the powers,  
2       duties, and obligations of the road district in the  
3       discontinued township. The corporate authorities of a  
4       municipality may enter into an intergovernmental agreement  
5       or a contract with the county, another municipality, or a  
6       private contractor to administer the roads which were under  
7       the jurisdiction of the abolished road district.

8           (60 ILCS 1/29-25 new)

9       Sec. 29-25. Business, records, and property of  
10       discontinued township. The records of a township discontinued  
11       under this Article shall be deposited in the municipality's  
12       city clerk's office. The municipality may close up all  
13       unfinished business of the township and sell and dispose of any  
14       of the property belonging to the township for benefit of the  
15       inhabitants of the municipality.

16           (60 ILCS 1/65-20)

17       Sec. 65-20. Road district treasurer; new township;  
18       multi-township officers.

19           (a) Compensation of township officers shall be set by the  
20       township board at least 180 days before the beginning of the  
21       terms of officers, including compensation of the road district  
22       treasurer, which shall be not less than \$100 or more than  
23       \$1,000 per year. Compensation of a township assessor and  
24       collector shall be set at the same time as the compensation of

1 the township supervisor. Compensation of a multi-township  
2 assessor shall be set at least 150 days before his or her  
3 election.

4 (b) The compensation to be paid to each officer in a new  
5 township established under Section 10-25 shall be determined  
6 under this Section by the township board of the township the  
7 whole or a part of which comprises the new township and that  
8 has the highest equalized assessed valuation (as of December  
9 31, 1972) of the old townships that comprise the new township.

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

14 (d) For the first term of a township consolidated or merged  
15 under Article 22 or 23, compensation for township officers of  
16 the consolidated or merged township shall be set by the  
17 Transition Township Board no later than the first day in April  
18 before the consolidated election at which the township officers  
19 are to be elected.

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

21 Section 920. The Illinois Highway Code is amended by  
22 changing Section 6-130 and by adding Section 6-130.5 as  
23 follows:

24 (605 ILCS 5/6-130) (from Ch. 121, par. 6-130)

1           Sec. 6-130. Mandatory and permissive road district  
2 abolishment.

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

20           (b) Notwithstanding any provision of law to the contrary, a  
21 township road district may be abolished as provided in Section  
22 6-130.5 of this Act, if the roads forming part of the district  
23 are less than a total of 15 miles in length.

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

25           (605 ILCS 5/6-130.5 new)



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

3       (a) Any township may abolish a road district of that  
4 township if the roads of the district of that township are less  
5 than 15 miles in length, as determined by the county engineer  
6 or county superintendent of highways, by resolution of a  
7 majority of the board of trustees to submit a referendum to  
8 abolish the road district of that township. The referendum  
9 shall be submitted to the electors of that township at the next  
10 general election or consolidated election in accordance with  
11 the general election law. The ballot shall be in substantially  
12 the following form:

13       -----  
14       Shall the Road District of the Township of  
15 ..... be abolished with all the rights,  
16 powers, duties, assets, property, liabilities,                YES  
17 obligations, and responsibilities being assumed                -----  
18 by the Township of ..... ?                                       NO  
19       -----

20       The vote shall be recorded as "Yes" or "No".

21       (b) If a majority of the electors voting on the referendum  
22 under subsection (a) of this Section are in favor of abolishing  
23 the township road district, then the road district is abolished  
24 on the January 1 following the approval of the resolution or  
25 referendum.

26       On the date of abolishment: all the rights, powers, duties,

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

15 Section 999. Effective date. This Act takes effect January  
16 1, 2018.

1 INDEX

2 Statutes amended in order of appearance

3 New Act

4 10 ILCS 5/3-7 new

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

6 10 ILCS 5/28-7 from Ch. 46, par. 28-7

7 55 ILCS 5/Div. 2-4 heading

8 55 ILCS 5/2-4006

9 55 ILCS 5/5-44010

10 55 ILCS 5/5-44020

11 55 ILCS 5/5-44043 new

12 60 ILCS 1/10-25

13 60 ILCS 1/Art. 22 heading

14 new

15 60 ILCS 1/22-5 new

16 60 ILCS 1/22-10 new

17 60 ILCS 1/22-15 new

18 60 ILCS 1/22-20 new

19 60 ILCS 1/Art. 23 heading

20 new

21 60 ILCS 1/23-5 new

22 60 ILCS 1/23-10 new

23 60 ILCS 1/23-15 new

24 60 ILCS 1/23-20 new

25 60 ILCS 1/23-25 new

- 1 60 ILCS 1/25-15
- 2 60 ILCS 1/25-25
- 3 60 ILCS 1/Art. 29 heading
- 4 new
- 5 60 ILCS 1/29-5 new
- 6 60 ILCS 1/29-10 new
- 7 60 ILCS 1/29-15 new
- 8 60 ILCS 1/29-20 new
- 9 60 ILCS 1/29-25 new
- 10 60 ILCS 1/65-20
- 11 605 ILCS 5/6-130
- 12 605 ILCS 5/6-130.5 new

from Ch. 121, par. 6-130