



Sen. Dale A. Righter

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1 AMENDMENT TO SENATE BILL 1033

2 AMENDMENT NO. _____. Amend Senate Bill 1033 by replacing
3 everything after the enacting clause with the following:

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 "Electors" means the registered voters of the dissolving
15 unit of local government and the registered voters of the

1 receiving unit of local government.

2 "Receiving unit of local government" means the unit of
3 local government receiving the rights, duties, and liabilities
4 of the unit of local government proposed be dissolved by
5 referendum under this Act.

6 "Special district" means any political subdivision other
7 than a county, municipality, or township. "Special district"
8 includes school districts.

9 "Unit of local government" has the same meaning as found in
10 Section 1 of Article VII of the Illinois Constitution and also
11 include school districts.

12 Section 15. Petition requirements; notice.

13 (a) Subject to the petition requirements of Section 28-3 of
14 the Election Code and the dissolution limitations of Section
15 35, petitions for a referendum to dissolve any unit of local
16 government must be filed both with the governing board of the
17 dissolving unit of local governmental and the governing board
18 of the receiving unit of local government not less than 122
19 days prior to a general election. Petitions must include:

20 (1) the dissolving unit of local government;

21 (2) the receiving unit of local government;

22 (3) the date of dissolution;

23 (4) signatures of a number of electors equal to or
24 greater than 5% of the total votes cast in the preceding
25 general election; and

1 (5) an affidavit of publication, attesting that notice
2 of the petition to dissolve a local unit of government was
3 published in a newspaper of general circulation within the
4 territory of the dissolving unit of local government and
5 the receiving unit of local government at least 122 days
6 and no more than 152 days prior to the general election at
7 which the referendum is to be voted upon.

8 All signatures gathered under paragraph (4) of this
9 subsection (a) must be signed within 365 days prior to the
10 filing of a petition. A unit of local government may, by
11 ordinance or resolution, limit the time in which signatures
12 must be signed to less than 365 days prior to the filing of the
13 petition but no less than 180 days before the filing of a
14 petition. If either the dissolving unit of local government or
15 receiving unit of local government has such an ordinance or
16 resolution, the petition shall not be placed on the ballot if
17 any signatures do not meet the requirements of any ordinance or
18 resolution.

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

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

24 NOTICE OF PETITION TO DISSOLVE [dissolving unit of local
25 government].

1 Residents of [dissolving unit of local government] and
 2 [receiving unit of local government] are notified that a
 3 petition will be filed with [dissolving unit of local
 4 government] and [receiving unit of local government]
 5 requesting a referendum to dissolve [dissolving unit of
 6 local government] on [date of dissolution] with all real
 7 and personal property, and any other assets, together with
 8 all personnel, contractual obligations, and liabilities
 9 being transferred to [receiving unit of local government].

10 Section 20. Ballot placement. A petition that meets the
 11 requirements of Section 15 shall be placed on the ballot in the
 12 form provided for in Section 25 at the general election next
 13 following. Failure to publish the required notice of petition
 14 shall render the petition, and the results of any referendum
 15 held on the petition, null and void.

16 Section 25. Referendum; voting.

17 (a) Subject to the requirements of Section 16-7 of the
 18 Election Code, the referendum described in Section 20 shall be
 19 in substantially the following form on the ballot:

20 -----

21 Shall the [dissolving
 22 unit of local government] be
 23 dissolved on [date of dissolution] YES
 24 with all of its property,

1 assets, personnel, obligations, and -----
 2 liabilities being transferred to
 3 [receiving unit of local government]? NO
 4 -----

5 (b) The referendum is approved when:

6 (1) three-fifths of the electors of the dissolving unit
 7 of local government approve the referendum; and

8 (2) three-fifths of the electors of the receiving unit
 9 of local government approve the referendum.

10 Section 30. Dissolution; transfer of rights and duties.
 11 When the dissolution of a unit of local government has been
 12 approved under Section 25:

13 (1) On or before the date of dissolution, all real and
 14 personal property, and any other assets, together with all
 15 personnel, contractual obligations, and liabilities of the
 16 dissolving unit of local government shall be transferred to
 17 the receiving unit of local government.

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

20 (3) On and after the date of dissolution, all rights
 21 and duties of the dissolved unit of local government,
 22 including, but not limited to, the authority to tax (if
 23 any), may be exercised by the governing board of the
 24 receiving unit of local government.

1 Section 35. Limitations on dissolution.

2 (a) A special district may only dissolve into another
3 special district under this Act if: (1) the special districts
4 are contiguous; and (2) the special districts are organized
5 under the same statutory authority. However, public library
6 districts organized under the Illinois Local Library Act or the
7 Public Library District Act of 1991 that are completely within
8 a school district may be dissolved into that school district.
9 This subsection (a) does not apply when a county, municipality,
10 or township dissolves all units of local government within the
11 county.

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

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

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

20 Section 905. The Election Code is amended by adding Section
21 3-7 and by changing Sections 28-1 and 28-7 as follows:

22 (10 ILCS 5/3-7 new)

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

24 (a) In the consolidated election where township trustees

1 are elected next following the certification of a successful
2 referendum to consolidate townships under Article 22 of the
3 Township Code, the qualified electors entitled to caucus, vote
4 for, be nominated for, and run for offices in the consolidated
5 township that is to be formed are those registered voters
6 residing in any of the townships identified in the referendum
7 as they exist prior to consolidation.

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

21 (10 ILCS 5/28-1) (from Ch. 46, par. 28-1)

22 Sec. 28-1. The initiation and submission of all public
23 questions to be voted upon by the electors of the State or of
24 any political subdivision or district or precinct or
25 combination of precincts shall be subject to the provisions of

1 this Article.

2 Questions of public policy which have any legal effect
3 shall be submitted to referendum only as authorized by a
4 statute which so provides or by the Constitution. Advisory
5 questions of public policy shall be submitted to referendum
6 pursuant to Section 28-5 or pursuant to a statute which so
7 provides.

8 The method of initiating the submission of a public
9 question shall be as provided by the statute authorizing such
10 public question, or as provided by the Constitution.

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

15 Whenever a statute provides for the initiation of a public
16 question by a petition of electors, the provisions of such
17 statute shall govern with respect to the number of signatures
18 required, the qualifications of persons entitled to sign the
19 petition, the contents of the petition, the officer with whom
20 the petition must be filed, and the form of the question to be
21 submitted. If such statute does not specify any of the
22 foregoing petition requirements, the corresponding petition
23 requirements of Section 28-6 shall govern such petition.

24 Irrespective of the method of initiation, not more than 3
25 public questions other than (a) back door referenda, (b)
26 referenda to determine whether a disconnection may take place

1 where a city coterminous with a township is proposing to annex
2 territory from an adjacent township, (c) referenda held under
3 the provisions of the Property Tax Extension Limitation Law in
4 the Property Tax Code, ~~or~~ (d) referenda held under Section
5 2-3002 of the Counties Code, or (e) referenda held under
6 Article 22, 23, or 29 of the Township Code may be submitted to
7 referendum with respect to a political subdivision at the same
8 election.

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

23 No public question shall be submitted to the voters of a
24 political subdivision at any regularly scheduled election at
25 which such voters are not scheduled to cast votes for any
26 candidates for nomination for, election to or retention in

1 public office, except that if, in any existing or proposed
2 political subdivision in which the submission of a public
3 question at a regularly scheduled election is desired, the
4 voters of only a portion of such existing or proposed political
5 subdivision are not scheduled to cast votes for nomination for,
6 election to or retention in public office at such election, but
7 the voters in one or more other portions of such existing or
8 proposed political subdivision are scheduled to cast votes for
9 nomination for, election to or retention in public office at
10 such election, the public question shall be voted upon by all
11 the qualified voters of the entire existing or proposed
12 political subdivision at the election.

13 Not more than 3 advisory public questions may be submitted
14 to the voters of the entire state at a general election. If
15 more than 3 such advisory propositions are initiated, the first
16 3 timely and validly initiated shall be the questions printed
17 on the ballot and submitted at that election; provided however,
18 that a question for a proposed amendment to Article IV of the
19 Constitution pursuant to Section 3, Article XIV of the
20 Constitution, or for a question submitted under the Property
21 Tax Cap Referendum Law, shall not be included in the foregoing
22 limitation.

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

24 (10 ILCS 5/28-7) (from Ch. 46, par. 28-7)

25 Sec. 28-7. Except as provided in the Citizens Empowerment

1 Act, in ~~It~~ any case in which Article VII or paragraph (a) of
2 Section 5 of the Transition Schedule of the Constitution
3 authorizes any action to be taken by or with respect to any
4 unit of local government, as defined in Section 1 of Article
5 VII of the Constitution, by or subject to approval by
6 referendum, any such public question shall be initiated in
7 accordance with this Section.

8 Any such public question may be initiated by the governing
9 body of the unit of local government by resolution or by the
10 filing with the clerk or secretary of the governmental unit of
11 a petition signed by a number of qualified electors equal to or
12 greater than at least 8% of the total votes cast for candidates
13 for Governor in the preceding gubernatorial election,
14 requesting the submission of the proposal for such action to
15 the voters of the governmental unit at a regular election.

16 If the action to be taken requires a referendum involving 2
17 or more units of local government, the proposal shall be
18 submitted to the voters of such governmental units by the
19 election authorities with jurisdiction over the territory of
20 the governmental units. Such multi-unit proposals may be
21 initiated by appropriate resolutions by the respective
22 governing bodies or by petitions of the voters of the several
23 governmental units filed with the respective clerks or
24 secretaries.

25 This Section is intended to provide a method of submission
26 to referendum in all cases of proposals for actions which are

1 authorized by Article VII of the Constitution by or subject to
2 approval by referendum and supersedes any conflicting
3 statutory provisions except those contained in Division 2-5 of
4 the Counties Code or the Citizens Empowerment Act ~~the "County~~
5 ~~Executive Act"~~.

6 Referenda provided for in this Section may not be held more
7 than once in any 23-month period on the same proposition,
8 provided that in any municipality a referendum to elect not to
9 be a home rule unit may be held only once within any 47-month
10 period.

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

12 Section 910. The Counties Code is amended by changing the
13 heading of Division 2-4, and by changing Sections 2-4006,
14 5-44010, 5-44020, and by adding Section 5-44043 as follows:

15 (55 ILCS 5/Div. 2-4 heading)

16 Division 2-4. Counties not under

17 Township Organization

18 Organized as a Commission

19 Form of Government

20 (55 ILCS 5/2-4006)

21 Sec. 2-4006. Terms of commissioners.

22 (a) In every county not under township organization that is
23 organized as a commission form of government having 3

1 commissioners elected at large as described in subsection (b)
2 or (c), the commissioners shall be elected as provided in this
3 Section.

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

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

23 (c-5) In Calhoun County, Edwards County, and Union County,
24 the registered voters of the county may, upon referendum
25 initiated by (i) the adoption of a resolution of the board of
26 county commissioners or (ii) a petition signed by not less than

1 10% of the registered voters in the county, determine that the
2 board of county commissioners shall consist of 5 commissioners
3 elected at large. The commissioners must certify the question
4 to the proper election authority, which must submit the
5 question at an election in accordance with the general election
6 law.

7 The question shall be submitted in substantially the
8 following form:

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

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

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

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

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

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

6 (55 ILCS 5/5-44020)

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

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

13 "Governing board" means the individual or individuals who
14 constitute the corporate authorities of a unit of local
15 government.

16 "Unit of local government" or "unit" means any unit of
17 local government located entirely within one county, to which
18 the county board chairman or county executive directly appoints
19 a majority of its governing board with the advice and consent
20 of the county board, but shall not include a fire protection
21 district that directly employs any regular full-time
22 employees, a conservation district organized under the
23 Conservation District Act, ~~or~~ a special district organized
24 under the Water Commission Act of 1985, a community mental
25 health board established under the Community Mental Health

1 Board Act, or a board established under the County Care for
2 Persons with Developmental Disabilities Act.

3 (Source: P.A. 98-126, eff. 8-2-13; 98-756, eff. 7-16-14;
4 99-709, eff. 8-5-16.)

5 (55 ILCS 5/5-44043 new)

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

7 (a) The status and rights of employees represented by an
8 exclusive bargaining representative shall not be affected by
9 the dissolution of a unit of local government under this
10 Division, except that this subsection does not apply in DuPage,
11 Lake, and McHenry Counties for actions taken before the
12 effective date of this amendatory Act of the 100th General
13 Assembly.

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

21 (c) The rights of employees under any pensions, retirement
22 plans, or annuity plans existing on the date of dissolution of
23 the unit of local government are not affected by the
24 dissolution of a unit of local government under this Division.

1 Section 915. The Township Code is amended by adding
2 Articles 22, 23, and 29 and by changing Sections 10-25, 25-15,
3 25-25, and 65-20 as follows:

4 (60 ILCS 1/10-25)

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

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

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

1 townships in existence on October 1, 1978.

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

3 (60 ILCS 1/Art. 22 heading new)

4 ARTICLE 22. CONSOLIDATION OF
5 MULTIPLE TOWNSHIPS

6 (60 ILCS 1/22-5 new)

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

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

14 (1) the name of the proposed new consolidated township
15 or the name of the existing township into which all
16 townships will be consolidated;

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

21 (3) the names of all townships that will be
22 consolidating and a description of the area of
23 consolidation; and

24 (4) the date of the general election at which the

1 referendum shall be held.

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

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

15 (60 ILCS 1/22-10 new)

16 Sec. 22-10. Referendum.

17 (a) Upon the adoption of resolutions under Section 22-5 by
18 each township, the township boards shall certify the question
19 to the election authority and the authority shall cause to be
20 submitted to the voters of each township at the general
21 election specified in the resolutions a referendum to
22 consolidate the townships. The referendum shall be
23 substantially in the following form:

24 Shall (names of townships) be consolidated into [a new
25 township called (name of proposed consolidated

1 township)/the township of (name of existing township)]?

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

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

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

18 (c) Notwithstanding any provision of law to the contrary,
19 no tax rate may be extended for any fund of the consolidated
20 district for the first levy year of the consolidated district
21 that exceeds any statutory maximum set forth for that fund,
22 unless the referendum also conforms to the requirements of the
23 Property Tax Extension Limitation Law or other statutory
24 provision setting forth that limitation.

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

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

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

19 (c) The Transition Township Board shall hold a public
20 hearing no later than the last Tuesday in December before the
21 consolidated township board of trustees are elected next
22 following the approval of a referendum under Section 22-10. If
23 the Board cannot agree on the compensation for an official by
24 the first Tuesday in April before the consolidated election of
25 township officials next following the approval of a referendum
26 under Section 22-10, then the compensation for that official

1 shall be equal to the lowest compensation for the same office
2 between the separate townships in the previous calendar year.

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

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

12 (60 ILCS 1/22-20 new)

13 Sec. 22-20. Consolidated township.

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

17 (1) the separate townships cease and the consolidated
18 township is created;

19 (2) all rights, powers, duties, assets, and property,
20 together with all personnel, contractual obligations,
21 other obligations, responsibilities, and liabilities of
22 the separate townships are transferred to the consolidated
23 township; those rights include, but are not limited to, the
24 authority to continue to collect, receive, and expend the
25 proceeds of any tax levied by any of the separate townships

1 prior to the creation of the consolidated township without
2 an additional ordinance, resolution, or referendum; the
3 proceeds of any tax levied by any of the separate townships
4 prior to the creation of the consolidated township shall be
5 expended or disposed of by the consolidated township in the
6 same manner as such assessments might have been expended or
7 disposed of by the separate townships; however, if the
8 consolidated township board determines that there is a
9 surplus in the fund for general township purposes on
10 December 31 of the calendar year in which the consolidation
11 occurs, then any portion of the surplus that is solely
12 attributable to the consolidation shall be refunded to the
13 owners of record of taxable property within the
14 consolidated district on a pro rata basis; and

15 (3) road districts located within the separate
16 townships are abolished.

17 (b) When a new township is created, a new road district
18 encompassing the consolidated township is created. All the
19 rights, powers, duties, assets, property, liabilities,
20 obligations, and responsibilities of the separate road
21 districts shall vest in and be assumed by the new road district
22 as provided for in the resolutions adopted under Section 22-5.
23 The new township board of trustees shall exercise the taxing
24 authority of a road district abolished under this Section. The
25 highway commissioners of the abolished road districts shall
26 cease to hold office on the date the road district is

1 abolished. The new township board shall exercise all duties and
2 responsibilities of the highway commissioner as provided in the
3 Illinois Highway Code. For purposes of distribution of revenue,
4 the new township shall assume the powers, duties, and
5 obligations of the road district of the dissolving road
6 district. The new township board may enter into a contract with
7 the county, a municipality, or a private contractor to
8 administer the roads under the new road district.

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

1 ARTICLE 23. MERGER OF A SINGLE
2 TOWNSHIP INTO TWO OTHER TOWNSHIPS

3 (60 ILCS 1/23-5 new)

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

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

8 "Dissolving township" means a township which is proposed to
9 be dissolved into and be merged with 2 other adjacent
10 townships.

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

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

20 "Receiving township" means a township into which a portion
21 of the dissolving township will be merged.

22 (60 ILCS 1/23-10 new)

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

24 (a) Notwithstanding any other provision of law to the

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

10 (1) a legal description of the former territory of the
11 dissolving township each receiving township will take upon
12 the dissolution of the dissolving township;

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

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

22 (4) a description and amount of all debt each receiving
23 township shall assume after the dissolving township
24 dissolves. The debt shall be assumed by each receiving
25 township in equal proportion to the equalized assessed
26 value of the land and property that will be received by

1 each receiving township from the dissolving township
2 unless otherwise agreed to in the resolutions;

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

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

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

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

19 (60 ILCS 1/23-15 new)

20 Sec. 23-15. Referendum and notices.

21 (a) Upon the adoption of resolutions under Section 23-10 by
22 all townships, the township boards shall certify the question
23 to the election authority and the authority shall cause to be
24 submitted to the voters of all townships at the general
25 election specified in the resolutions a referendum to

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

3 Shall (name of dissolving township) be dissolved into
4 (names of receiving townships)?

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

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

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

21 (60 ILCS 1/23-20 new)

22 Sec. 23-20. Transition.

23 (a) Notwithstanding any other provision of law to the
24 contrary, upon the approval of a referendum under Section
25 23-15:

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

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

19 (3) each Transition Township Board shall hold a public
20 meeting no later than the first Tuesday in April before the
21 receiving townships' boards of trustees are elected at the
22 consolidated election next following the approval of a
23 referendum under Section 23-15. At this public meeting, the
24 Transition Township Board shall provide for the
25 compensation for all township officials that will be
26 elected at the consolidated election. If the Board cannot

1 agree on the compensation for an official, then the
2 compensation for the same office between the receiving and
3 dissolving townships shall be the lower compensation for
4 the office in the dissolving township or receiving
5 township;

6 (4) the dissolving township shall not incur any
7 additional debt without the approval of the Transition
8 Township Board of each receiving township that would assume
9 such debt after dissolution of the dissolving township; and

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

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

20 (60 ILCS 1/23-25 new)

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

25 (a) The dissolving township ceases.

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

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

1 road districts shall cease to hold office on the date the
2 road district is abolished; and for purposes of
3 distribution of revenue, the receiving townships' road
4 districts, or the township board if no road districts
5 exist, shall assume the powers, duties, and obligations of
6 the dissolving road district.

7 (60 ILCS 1/25-15)

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

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

22 (60 ILCS 1/25-25)

23 Sec. 25-25. Disposal of township records and property. When
24 township organization is discontinued in any county, the

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

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

14 (60 ILCS 1/Art. 29 heading new)

15 ARTICLE 29. DISCONTINUANCE OF
16 TOWNSHIP WITHIN COTERMINOUS
17 MUNICIPALITY: ALL TOWNSHIPS

18 (60 ILCS 1/29-5 new)

19 Sec. 29-5. Resolutions to discontinue and abolish a
20 township. The township board and the corporate authorities of a
21 coterminous, or substantially coterminous, municipality may by
22 resolutions of the board and corporate authorities, and after
23 referendum of the voters of the township and municipality: (1)
24 discontinue and abolish the township; (2) transfer all the

1 rights, powers, duties, assets, property, liabilities,
2 obligations, and responsibilities of the township to the
3 municipality; and (3) cease and dissolve all township road
4 districts with the district's jurisdiction and authority
5 transferred to the municipality upon the dissolution of the
6 township.

7 (60 ILCS 1/29-10 new)

8 Sec. 29-10. Notice.

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

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

22 Each township board shall additionally mail a copy of the
23 adopted resolution, along with a copy of the referendum
24 language, the date the referendum will appear, and a list of
25 all taxes levied in the affected townships, to every registered

1 voter in each township affected. The notice shall be mailed at
2 least 30 days before the date of the election in which the
3 referendum will appear.

4 (60 ILCS 1/29-15 new)

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

16 Shall the township of (name of township) Township
17 cease?

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

21 If the referendum is approved there shall be no further
22 nominations or elections for clerks, assessors, collectors,
23 highway commissioners, supervisors, or trustees of the
24 township or highway commission, and the terms of all such
25 officers currently serving shall continue until the third

1 Monday of May of the year of the consolidated election in which
2 township officials are elected next following the approval of a
3 referendum under this Section.

4 (60 ILCS 1/29-20 new)

5 Sec. 29-20. Cessation of township. On the third Monday in
6 May in the year of the consolidated election in which township
7 officials are elected next following the approval of a
8 referendum under Section 29-15:

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

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

17 (3) the municipality shall exercise all duties and
18 responsibilities of the township officers as provided in
19 the Township Code, the Illinois Public Aid Code, the
20 Property Tax Code, and the Illinois Highway Code, as
21 applicable. The municipality may enter into an
22 intergovernmental agreement with the county or the State to
23 administer the duties and responsibilities of the township
24 officers for services under its jurisdiction; and

25 (4) any road district located within the township is

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

17 (60 ILCS 1/29-25 new)

18 Sec. 29-25. Business, records, and property of
19 discontinued township. The records of a township discontinued
20 under this Article shall be deposited in the municipality's
21 city clerk's office. The municipality may close up all
22 unfinished business of the township and sell and dispose of any
23 of the property belonging to the township for benefit of the
24 inhabitants of the municipality.

1 (60 ILCS 1/65-20)

2 Sec. 65-20. Road district treasurer; new township;
3 multi-township officers.

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

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

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

23 (d) For the first term of a township consolidated or merged
24 under Article 22 or 23, compensation for township officers of
25 the consolidated or merged township shall be set by the
26 Transition Township Board no later than the first day in April

1 before the consolidated election at which the township officers
2 are to be elected.

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

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

7 (605 ILCS 5/6-130) (from Ch. 121, par. 6-130)

8 Sec. 6-130. Mandatory and permissive road district
9 abolishment.

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

1 trustees shall assume all taxing authority of a township road
2 district abolished under this Section.

3 (b) Notwithstanding any provision of law to the contrary, a
4 township road district may be abolished as provided in Section
5 6-130.5 of this Act, if the roads forming part of the district
6 are less than a total of 15 miles in length.

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

8 (605 ILCS 5/6-130.5 new)

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

11 (a) Any township may abolish a road district of that
12 township if the roads of the district of that township are less
13 than 15 miles in length, as determined by the county engineer
14 or county superintendent of highways, by resolution of a
15 majority of the board of trustees to submit a referendum to
16 abolish the road district of that township. The referendum
17 shall be submitted to the electors of that township at the next
18 general election or consolidated election in accordance with
19 the general election law. The ballot shall be in substantially
20 the following form:

21 -----

22 Shall the Road District of the Township of

23 be abolished with all the rights,

24 powers, duties, assets, property, liabilities,

YES

25 obligations, and responsibilities being assumed

1 by the Township of ? NO

2 -----

3 (b) If a majority of the electors voting on the referendum
4 under subsection (a) of this Section are in favor of abolishing
5 the township road district, then the road district is abolished
6 on the January 1 following the approval of the resolution or
7 referendum.

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

23 Section 999. Effective date. This Act takes effect January
24 1, 2018."