



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

SB2061

Introduced 2/10/2017, by Sen. Jim Oberweis

#### SYNOPSIS AS INTRODUCED:

35 ILCS 200/18-51 new  
55 ILCS 5/Div. 2-4 heading  
55 ILCS 5/2-4006  
60 ILCS 1/10-25  
60 ILCS 1/20-5  
60 ILCS 1/25-15  
60 ILCS 1/25-25  
60 ILCS 1/Art. 27 heading  
60 ILCS 1/27-5  
60 ILCS 1/27-10  
60 ILCS 1/28-10

Amends the Township Code. Removes a restriction limiting townships to 126 square miles. Provides that an ordinance or petition to consolidate a township may contain a provision requiring a new tax rate for the consolidated area equal to the lowest property tax rate in the consolidated area preceding the consolidation. Provides that all townships within a coterminous, or substantially coterminous, municipality may be consolidated. Further provides that a county board may elect to restructure into a commission form of government after discontinuance of township organization (currently, a county is required to reorganize into a commission form of government). Amends the Property Tax Code and the Counties Code making conforming changes.

LRB100 08081 AWJ 18167 b

FISCAL NOTE ACT  
MAY APPLY

HOUSING  
AFFORDABILITY  
IMPACT NOTE ACT  
MAY APPLY

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Property Tax Code is amended by adding  
5 Section 18-51 as follows:

6 (35 ILCS 200/18-51 new)

7 Sec. 18-51. Property tax of consolidated townships.  
8 Notwithstanding any other law to the contrary, when townships  
9 are consolidated under Sections 20-5, 27-10, or 28-10 of the  
10 Township Code and the petition or ordinance contains a  
11 requirement that a new property tax levy shall be levied on the  
12 new consolidated township or municipality, the county clerk  
13 shall calculate a new township or municipal property tax levy  
14 for the levy year in the year which the consolidation takes  
15 place equal to the levy of the township or municipality with  
16 the lowest levy. The new property tax levy shall contain all  
17 funds of the former tax levies and the county clerk shall  
18 proportionally reduce each fund unless otherwise required by  
19 the petition or ordinance.

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

1 (55 ILCS 5/Div. 2-4 heading)  
2 Division 2-4. Counties not under Township Organization  
3 Organized as a Commission Form of Government

4 (55 ILCS 5/2-4006)  
5 Sec. 2-4006. Terms of commissioners.

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

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

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

1 of 6 years. The other commissioner elected in 1996 shall serve  
2 for a term of 4 years. At the general election in 1998 and at  
3 each general election thereafter, one commissioner shall be  
4 elected to serve for a term of 6 years.

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

15 The question shall be submitted in substantially the  
16 following form:

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

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

1 commissioners and the addition of 2 commissioners for 6-year  
2 terms. Thereafter, commissioners shall be elected at each  
3 general election to fill expired terms.

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

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

7 Section 15. The Township Code is amended by changing  
8 Sections 10-25, 20-5, 25-15, 25-25, 27-5, 27-10, and 28-10 and  
9 the heading of Article 27 as follows:

10 (60 ILCS 1/10-25)

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

12 (a) The county board of each county may, subject to a  
13 referendum in the townships affected as provided in this  
14 Section, adopt a plan for altering the boundaries of townships,  
15 changing township lines, dividing, enlarging, or consolidating  
16 townships, or creating new townships, so that each township  
17 shall possess an equalized assessed valuation of not less than  
18 \$10,000,000 as of the 1982 assessment year ~~or an area of not~~  
19 ~~more than 126 square miles.~~

20 (b) No alteration or change in boundaries shall be  
21 effective unless approved by a referendum in each township  
22 affected. The election authority shall submit to the voters of  
23 each township affected, at a regular election to be held not  
24 less than 60 days after the plan is adopted, the question of

1 approving the alteration or change. The alterations or changes,  
2 if approved by the voters, shall take effect on the date of the  
3 next township election and shall be applicable to that  
4 election. If there is doubt as to the township clerk with whom  
5 nomination papers for that election should be filed, the county  
6 board shall designate the clerk. In the alteration of  
7 boundaries, a county board may not disturb urban or coterminous  
8 townships in existence on October 1, 1978.

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

10 (60 ILCS 1/20-5)

11 Sec. 20-5. Consolidation of townships within city;  
12 petition and referendum. When the territory of any city in a  
13 county under township organization is composed of 5 or more  
14 congressional townships or fractional parts of congressional  
15 townships and the legal voters of the city want to organize the  
16 territory into one township, upon a petition of at least  
17 one-tenth of the legal voters of the city (to be ascertained by  
18 the votes cast at the last preceding presidential election),  
19 the county board of the county shall order submitted to the  
20 voters of the city, in accordance with the general election  
21 law, at the next general election, the question of  
22 consolidation of the territory included in the city into one  
23 township. The board shall certify the proposition to the proper  
24 election officials, who shall submit the proposition at the  
25 general election in accordance with the general election law.

1 The proposition shall be in substantially the following form:

2 Shall (names or descriptions of congressional  
3 townships or parts of congressional townships) contained  
4 within (name of city) be consolidated into one township?

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

6 The petition to consolidate townships within a city may  
7 contain a requirement that a new township property tax levy to  
8 be levied on the new consolidated township equal to the lowest  
9 township property tax levy under Section 18-51 of the Property  
10 Tax Code.

11 (Source: P.A. 81-1489; 88-62.)

12 (60 ILCS 1/25-15)

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

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

2 (60 ILCS 1/25-25)

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

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

17 (60 ILCS 1/Art. 27 heading)

18 ARTICLE 27. DISCONTINUANCE OF TOWNSHIP  
19 ORGANIZATION WITHIN COTERMINOUS MUNICIPALITY:

20 ALL TOWNSHIPS

21 ~~COUNTY POPULATION OF 3 MILLION OR MORE~~

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

23 (60 ILCS 1/27-5)



1           Sec. 27-5. Applicability. This Article shall apply only to  
2 a township that: ~~(1) is within a coterminous, or substantially~~  
3 ~~coterminous, municipality in which the city council exercises~~  
4 ~~the powers and duties of the township board, or in which one or~~  
5 ~~more municipal officials serve as an officer or trustee of the~~  
6 ~~township; (2) is located within a county with a population of 3~~  
7 ~~million or more; and (3) contains a territory of 7 square miles~~  
8 ~~or more.~~

9           (Source: P.A. 98-127, eff. 8-2-13.)

10           (60 ILCS 1/27-10)

11           Sec. 27-10. Petition and referendum to discontinue and  
12 abolish a township organization within a coterminous  
13 municipality. Upon adoption of an ordinance by the city council  
14 of a township described under Section 27-5 of this Article, or  
15 upon petition of at least 10% of the registered voters of that  
16 township, the city council shall certify and cause to be  
17 submitted to the voters of the township, at the next election  
18 or consolidated election, a proposition to discontinue and  
19 abolish the township organization and to transfer all the  
20 rights, powers, duties, assets, property, liabilities,  
21 obligations, and responsibilities of the township organization  
22 to the coterminous municipality.

23           A signature on a petition shall not be valid or counted in  
24 considering the petition unless the form requirements are  
25 complied with and the date of each signature is less than 90

1 days before the last day for filing the petition. The statement  
2 of the person who circulates the petition must include an  
3 attestation (i) indicating the dates on which that sheet was  
4 circulated, (ii) indicating the first and last date on which  
5 that sheet was circulated, or (iii) certifying that none of the  
6 signatures on the sheet was signed more than 90 days before the  
7 last day for filing the petition. The petition shall be treated  
8 and the proposition certified in the manner provided by the  
9 general election law. After the proposition has once been  
10 submitted to the electorate, the proposition shall not be  
11 resubmitted for 4 years.

12 The proposition shall be in substantially the following  
13 form:

14 Shall the township organization be continued in [Name  
15 of Township] Township?

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

17 An ordinance or petition to discontinue and abolish a  
18 township may contain a requirement that a new property tax levy  
19 be levied on the new consolidated township and municipality  
20 equal to the lowest property tax levy of the township or  
21 municipality under Section 18-51 of the Property Tax Code.

22 (Source: P.A. 98-127, eff. 8-2-13; 98-756, eff. 7-16-14.)

23 (60 ILCS 1/28-10)

24 Sec. 28-10. Ordinance to discontinue and abolish a township  
25 organization within a coterminous municipality; cessation of

1 township organization.

2 (a) The township board of a township described under  
3 Section 28-5 of this Article may adopt an ordinance, with a  
4 majority of the votes of the township board, providing that,  
5 upon the approval of a coterminous, or substantially  
6 coterminous, municipality's corporate authorities, (1) that  
7 the township organization shall discontinue and be abolished;  
8 and (2) that the township shall transfer all the rights,  
9 powers, duties, assets, property, liabilities, obligations,  
10 and responsibilities of the township organization to the  
11 coterminous, or substantially coterminous, municipality. The  
12 corporate authorities of the coterminous, or substantially  
13 coterminous, municipality shall adopt an ordinance by a  
14 majority vote approving such transfer to the municipality.

15 (b) On the later date of either the (i) approval of an  
16 ordinance by a municipality under subsection (a) of this  
17 Section, or (ii) expiration of the township officers' terms  
18 after passing an ordinance under subsection (a) of this  
19 Section, the township is discontinued and abolished and all the  
20 rights, powers, duties, assets, property, liabilities,  
21 obligations, and responsibilities of the township shall by  
22 operation of law vest in and be assumed by the municipality,  
23 including the authority to levy property taxes for township  
24 purposes in the same manner as the dissolved township.

25 (c) An ordinance adopted under subsection (a) of this  
26 Section may contain a requirement that a new property tax levy

1 be levied on the new consolidated township and municipality  
2 equal to the lowest property tax levy of the township or  
3 municipality under Section 18-51 of the Property Tax Code.

4 (Source: P.A. 99-474, eff. 8-27-15.)