



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB0348

by Rep. David McSweeney

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Township Code. Provides that the board of trustees of any township located in McHenry County may submit a proposition to dissolve the township to the township electors or township electors may petition for a referendum to dissolve a township. Provides for the transfer of real and personal property, and any other assets, together with all personnel, contractual obligations, and liabilities of the dissolving township to McHenry County. Provides that all road districts wholly within the boundaries of the dissolving township are dissolved on the date of dissolution of the dissolving township and the powers and responsibilities of the road district are transferred to McHenry County, and provides that municipalities within the dissolving township may elect to assume the duties and responsibilities of the road district or road districts. Limits extensions of specified property tax levies to 90% of the original property tax levy and within the boundaries of the dissolved township. Amends the Election Code and Counties Code making conforming changes. Amends the Illinois Highway Code. Provides that any township in Lake County or McHenry County shall abolish a road district of that township if the roads of the road district are less than 15 miles in length. Provides that the road district is abolished on the expiration of the term of office of the highway commissioner of the road district facing abolition following the determination by the county engineer or county superintendent of highways. Provides that the township board of trustees may enter into a contract with the county, a municipality, or a private contractor to administer the roads added to its jurisdiction. Effective immediately.

LRB101 06955 AWJ 51988 b

FISCAL NOTE ACT  
MAY APPLY

HOUSING  
AFFORDABILITY  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

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. Legislative intent. It is the intent of the  
5 General Assembly that this Act further the intent of Section 5  
6 of Article VII of the Illinois Constitution, which states, in  
7 relevant part, that townships "may be consolidated or merged,  
8 and one or more townships may be dissolved or divided, when  
9 approved by referendum in each township affected".  
10 Transferring the powers and duties of one or more dissolved  
11 McHenry County townships into the county, as the supervising  
12 unit of local government within which the township or townships  
13 are situated, will reduce the overall number of local  
14 governmental units within our State. This reduction is declared  
15 to be a strong goal of Illinois public policy.

16 Section 5. The Election Code is amended by changing Section  
17 28-7 as follows:

18 (10 ILCS 5/28-7) (from Ch. 46, par. 28-7)

19 Sec. 28-7. Except as provided in Article 24 of the Township  
20 Code, in ~~in~~ any case in which Article VII or paragraph (a) of  
21 Section 5 of the Transition Schedule of the Constitution  
22 authorizes any action to be taken by or with respect to any

1 unit of local government, as defined in Section 1 of Article  
2 VII of the Constitution, by or subject to approval by  
3 referendum, any such public question shall be initiated in  
4 accordance with this Section.

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

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

22 This Section is intended to provide a method of submission  
23 to referendum in all cases of proposals for actions which are  
24 authorized by Article VII of the Constitution by or subject to  
25 approval by referendum and supersedes any conflicting  
26 statutory provisions except those contained in Division 2-5 of

1 the Counties Code or Article 24 of the Township Code.

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

7 (Source: P.A. 100-863, eff. 8-14-18.)

8 Section 10. The Counties Code is amended by adding Section  
9 5-1184 as follows:

10 (55 ILCS 5/5-1184 new)

11 Sec. 5-1184. Dissolution of townships in McHenry County. If  
12 a township in McHenry County dissolves as provided in Article  
13 24 of the Township Code, McHenry County shall assume the  
14 powers, duties, and obligations of each dissolved township as  
15 provided in Article 24 of the Township Code.

16 Section 15. The Township Code is amended by adding Article  
17 24 as follows:

18 (60 ILCS 1/Art. 24 heading new)

19 ARTICLE 24. DISSOLUTION OF  
20 TOWNSHIPS IN MCHENRY COUNTY

21 (60 ILCS 1/24-5 new)

1       Sec. 24-5. Scope. The method of dissolution of a township  
2       in McHenry County under this Article shall be in addition to  
3       any other method of dissolving a township provided by law or  
4       otherwise.

5               (60 ILCS 1/24-10 new)

6       Sec. 24-10. Definition. As used in this Article, "electors"  
7       means the registered voters of any single township in McHenry  
8       County.

9               (60 ILCS 1/24-15 new)

10       Sec. 24-15. Dissolving a township in McHenry County. By  
11       resolution, the board of trustees of any township located in  
12       McHenry County may submit a proposition to dissolve the  
13       township to the electors of that township at the election next  
14       following in accordance with the general election law. The  
15       ballot shall be as provided for in Section 24-30.

16               (60 ILCS 1/24-20 new)

17       Sec. 24-20. Petition requirements; notice.

18       (a) Subject to the petition requirements of Section 28-3 of  
19       the Election Code, petitions for a referendum to dissolve a  
20       township located in McHenry County must be filed with the  
21       governing board of the township, the county board of McHenry  
22       County, and the McHenry County Clerk not less than 122 days  
23       prior to any election held throughout the township. Petitions

1 must include:

2 (1) the name of the dissolving township;

3 (2) the date of dissolution; and

4 (3) signatures of a number of electors equal to or  
5 greater than 5% of the total votes cast in the township in  
6 the preceding election that is of an election type  
7 comparable to the election for which the petition is being  
8 filed; all signatures gathered under this paragraph (3)  
9 must be signed within 365 days prior to the filing of a  
10 petition.

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

14 (c) If a valid petition is filed under subsection (a), then  
15 the McHenry County Clerk shall, by publication in one or more  
16 newspapers of general circulation within the county, not less  
17 than 90 days prior to the election at which the referendum is  
18 to be voted on, give notice in substantially the following  
19 form:

20 NOTICE OF PETITION TO DISSOLVE (dissolving township).

21 Residents of (dissolving township) and McHenry County are  
22 notified that a petition has been filed with (dissolving  
23 township) and McHenry County requesting a referendum to  
24 dissolve (dissolving township) on (date of dissolution)  
25 with all real and personal property, and any other assets,

1 together with all personnel, contractual obligations, and  
2 liabilities being transferred to McHenry County.

3 (60 ILCS 1/24-25 new)

4 Sec. 24-25. Ballot placement. A petition that meets the  
5 requirements of Section 24-20 shall be placed on the ballot in  
6 the form provided for in Section 24-30 at the election next  
7 following.

8 (60 ILCS 1/24-30 new)

9 Sec. 24-30. Referendum; voting.

10 (a) Subject to the requirements of Section 16-7 of the  
11 Election Code, the referendum described in Section 24-25 shall  
12 be in substantially the following form on the ballot:

13 -----

14 Shall the (dissolving YES  
15 township) be dissolved on (date

16 of dissolution) with all of -----

17 its property, assets, personnel,  
18 obligations, and liabilities being NO

19 transferred to McHenry County?

20 -----

21 (b) The referendum is approved when a majority of those  
22 voting in the election from the dissolving township approve the  
23 referendum.

1 (60 ILCS 1/24-35 new)

2 Sec. 24-35. Dissolution; transfer of rights and duties.

3 When the dissolution of a township has been approved under

4 Section 24-30:

5 (1) On or before the date of dissolution, all real and  
6 personal property, and any other assets, together with all  
7 personnel, contractual obligations, and liabilities of the  
8 dissolving township and road districts shall be  
9 transferred to McHenry County. All funds of the dissolved  
10 township and road districts shall be used solely on behalf  
11 of the residents of the geographic area within the  
12 boundaries of the dissolved township.

13 (2) On the date of dissolution, the dissolving township  
14 is dissolved.

15 (3) On and after the date of dissolution, all rights  
16 and duties of the dissolved township may be exercised by  
17 the McHenry County Board solely on behalf of the residents  
18 of the geographic area within the boundaries of the  
19 dissolved township.

20 (4) The McHenry County Board shall not extend a  
21 property tax levy that is greater than 90% of the property  
22 tax levy extended by the dissolved township or road  
23 districts for the duties taken on by McHenry County. This  
24 property tax levy may not be extended outside the  
25 boundaries of the dissolved township. In all subsequent  
26 years, this levy shall be bound by the provisions of the



1 Property Tax Extension Limitation Law.

2 (5) All road districts wholly within the boundaries of  
3 the dissolving township are dissolved on the date of  
4 dissolution of the dissolving township, and all powers and  
5 responsibilities of each road district are transferred to  
6 McHenry County except as provided in paragraph (6).

7 (6) The county board of McHenry County shall give  
8 written notice to each municipality whose governing board  
9 meets within the boundaries of a dissolving township that  
10 the municipality may make an offer, on or before 60 days  
11 after the date of dissolution of the dissolving township,  
12 that the municipality will assume all of the powers and  
13 responsibilities of a road district or road districts  
14 wholly inside the dissolving township. The notice shall be  
15 sent to each municipality on or before 30 days after the  
16 date of dissolution of the township. Any eligible  
17 municipality may, with consent of its governing board, make  
18 an offer to assume all of the powers and responsibilities  
19 of the dissolving township's road district or road  
20 districts. A municipality may offer to assume the powers  
21 and responsibilities only for a limited period of time. If  
22 one or more offers are received by McHenry County on or  
23 before 60 days after the date of dissolution of the  
24 dissolving township, the county board of McHenry County  
25 shall select the best offer or offers that the board  
26 determines would be in the best interest and welfare of the

1       affected resident population. If no municipality makes an  
2       offer, the powers and duties of the dissolving township's  
3       road district or road districts are retained by McHenry  
4       County. The municipality that assumes the powers and duties  
5       of the dissolving township's road district or road  
6       districts shall not extend a road district property tax  
7       levy under Division 5 of Article 6 of the Illinois Highway  
8       Code that is greater than 90% of the road district property  
9       tax levy that was extended by the county on behalf of the  
10       dissolving township's road district or road districts for  
11       the duties taken on by the municipality.

12       Section 20. The Illinois Highway Code is amended by adding  
13       Section 6-140 as follows:

14       (605 ILCS 5/6-140 new)

15       Sec. 6-140. Abolishing a road district within Lake County  
16       or McHenry County with less than 15 miles of roads. Any  
17       township in Lake County or McHenry County shall abolish a road  
18       district of that township if the roads of the road district are  
19       less than 15 centerline miles in length, as determined by the  
20       county engineer or county superintendent of highways. A road  
21       district is abolished on the expiration of the term of office  
22       of the highway commissioner of the road district facing  
23       abolition following the determination by the county engineer or  
24       county superintendent of highways of the length, in centerline

1 mileage, of the roads within the road district to be abolished.

2 On the date of abolition: all the rights, powers, duties,  
3 assets, property, liabilities, obligations, and  
4 responsibilities of the road district shall by operation of law  
5 vest in and be assumed by the township; the township board of  
6 trustees shall assume all taxing authority of a road district  
7 abolished under this Section and shall exercise all duties and  
8 responsibilities of the highway commissioner as provided in  
9 this Code; and for purposes of distribution of revenue, the  
10 township shall assume the powers, duties, and obligations of  
11 the road district. The township board of trustees may enter  
12 into a 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 99. Effective date. This Act takes effect upon  
16 becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 10 ILCS 5/28-7 from Ch. 46, par. 28-7

4 55 ILCS 5/5-1184 new

5 60 ILCS 1/Art. 24 heading

6 new

7 60 ILCS 1/24-5 new

8 60 ILCS 1/24-10 new

9 60 ILCS 1/24-15 new

10 60 ILCS 1/24-20 new

11 60 ILCS 1/24-25 new

12 60 ILCS 1/24-30 new

13 60 ILCS 1/24-35 new

14 605 ILCS 5/6-140 new