



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB1491

by Rep. Dwight Kay

SYNOPSIS AS INTRODUCED:

See Index

Amends the Township Code. Provides that township organization within a coterminous municipality may be discontinued and abolished upon referendum approval. Provides that, if a majority of the votes of the township are cast in favor of the proposition to discontinue and abolish the township organization, then the township organization in that township shall cease, and all the rights, powers, duties, assets, property, liabilities, obligations, and responsibilities of the township shall by operation of law vest in and be assumed by the city council or board of trustees of the municipality. Provides that city council or board of trustees of the municipality shall, by ordinance, delegate the duties and responsibilities of a township officer to any elected or appointed official of that municipality or to any employee of that municipality. Provides that the township officers of any township that is discontinued shall continue as officers of that township until the expiration of the respective terms for which they were elected or appointed. Amends the Property Tax Code, the Public Health District Act, the Illinois Public Aid Code, and the Illinois Highway Code to provide that, for a township organization that has been discontinued and has had its duties, powers, and responsibilities transferred to a coterminous municipality, the municipality shall assume the duties of the township organization or officer of the township organization, as appropriate, exercised under those Acts. Effective immediately.

LRB098 05818 OMW 35857 b

FISCAL 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 5. The Property Tax Code is amended by adding
5 Section 2-85 as follows:

6 (35 ILCS 200/2-85 new)

7 Sec. 2-85. Cessation of township organization. If township
8 organization ceases as provided in Article 27 of the Township
9 Code, then the municipality shall assume the duties of the
10 township assessor under this Code.

11 Section 10. The Township Code is amended by adding Article
12 27 as follows:

13 (60 ILCS 1/Art. 27 heading new)

14 ARTICLE 27. DISCONTINUANCE OF TOWNSHIP ORGANIZATION WITHIN
15 COTERMINOUS MUNICIPALITY

16 (60 ILCS 1/27-5 new)

17 Sec. 27-5. Petition and referendum to discontinue and
18 abolish a township organization within a coterminous
19 municipality. Upon ordinance or resolution adopted by the
20 township board of a township coterminous with a municipality or

1 by the corporate authorities of that municipality, or upon
2 petition of at least 10% of the registered voters of that
3 township, the township board shall certify and cause to be
4 submitted to the voters of the township, at the next election,
5 a proposition to discontinue and abolish the township
6 organization and to transfer all the rights, powers, duties,
7 assets, property, liabilities, obligations, and
8 responsibilities of the township organization to the
9 coterminous municipality.

10 A signature on a petition shall not be valid or counted in
11 considering the petition unless the form requirements are
12 complied with and the date of each signature is less than 90
13 days before the last day for filing the petition. The statement
14 of the person who circulates the petition must include an
15 attestation (i) indicating the dates on which that sheet was
16 circulated, (ii) indicating the first and last date on which
17 that sheet was circulated, or (iii) certifying that none of the
18 signatures on the sheet was signed more than 90 days before the
19 last day for filing the petition. The petition shall be treated
20 and the proposition certified in the manner provided by the
21 general election law. After the proposition has once been
22 submitted to the electorate, the proposition shall not be
23 resubmitted for 4 years.

24 The proposition shall be in substantially the following
25 form:

26 Shall (name of township) be discontinued and abolished

1 with all the rights, powers, duties, assets, property,
2 liabilities, obligations, and responsibilities being
3 assumed by (name of municipality)?

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

5 (60 ILCS 1/27-10 new)

6 Sec. 27-10. Cessation of township organization. If a
7 majority of the votes of the township are cast in favor of the
8 proposition to discontinue and abolish the township
9 organization, then the township organization in that township
10 shall cease on December 31 of the calendar year in which the
11 terms of office of all officers of the township who are serving
12 on the date the proposition is submitted to the electorate
13 would normally expire.

14 On the effective date of the discontinuance and abolishment
15 of the township organization, all the rights, powers, duties,
16 assets, property, liabilities, obligations, and
17 responsibilities of the township shall by operation of law vest
18 in and be assumed by the city council or board of trustees of
19 the municipality, subject to the provisions of Section 27-15.

20 For the purposes of this Section, the term office of a
21 township officer is deemed to have expired on the day
22 immediately prior to the first date upon which any properly
23 elected and qualified successor could enter upon his or her
24 duties, as provided in Section 50-15 or 50-40 of this Code, as
25 applicable.

1 (60 ILCS 1/27-15 new)

2 Sec. 27-15. Township officers.

3 (a) The township officers of any township that is
4 discontinued pursuant to this Article who are serving on the
5 date the proposition to discontinue township organization is
6 submitted to the electorate shall continue as officers of that
7 township until the expiration of the respective terms for which
8 they were elected or appointed.

9 (b) On and after the expiration of the term of a township
10 officer of a township that is discontinued pursuant to this
11 Article, the city council or board of trustees of the
12 municipality shall exercise all duties and responsibilities of
13 that township officer as provided in this Code, the Illinois
14 Public Aid Code, Property Tax Code, and the Illinois Highway
15 Code, as applicable. On or after the expiration of the term of
16 that township officer, the city council or board of trustees of
17 the municipality shall, by ordinance: (1) delegate the duties
18 and responsibilities of that township officer to any elected or
19 appointed official of that municipality or to any employee of
20 that municipality; or (2) enter into an intergovernmental
21 agreement or contract with the county or the State to
22 administer the duties and responsibilities of that township
23 officer for services under its jurisdiction; or (3) a
24 combination of (1) and (2).

25 (c) For the purposes of this Section, the term office of a

1 township officer is deemed to have expired on the day
2 immediately prior to the first date upon which any properly
3 elected and qualified successor could enter upon his or her
4 duties, as provided in Section 50-15 or 50-40 of this Code, as
5 applicable.

6 (60 ILCS 1/27-20 new)

7 Sec. 27-20. Cessation of township; taxing authority. Upon
8 the discontinuance of township organization as provided in this
9 Article, the municipality shall assume all taxing authority of
10 the township abolished under this Article. For purposes of
11 distribution of revenue, the municipality shall assume the
12 powers, duties, and obligations of the township.

13 (60 ILCS 1/27-25 new)

14 Sec. 27-25. Business, records, and property of
15 discontinued township organization. The records of a township
16 organization discontinued under this Article shall be
17 deposited in the municipality's city clerk's office. The
18 municipality may close up all unfinished business of the
19 township and sell and dispose of any of the property belonging
20 to the township for benefit of the inhabitants of the
21 municipality.

22 Section 15. The Public Health District Act is amended by
23 adding Section 25 as follows:

1 (70 ILCS 905/25 new)

2 Sec. 25. Cessation of township organization. If township
3 organization ceases as provided in Article 27 of the Township
4 Code, then the municipality shall assume the duties, powers,
5 and responsibilities of the board of health for the public
6 health district under this Act.

7 Section 20. The Illinois Public Aid Code is amended by
8 adding Section 12-3.1 as follows:

9 (305 ILCS 5/12-3.1 new)

10 Sec. 12-3.1. Cessation of township organization. Upon the
11 discontinuance of township organization as provided in Article
12 27 of the Township Code, the municipality shall provide funds
13 for and administer the public aid program provided by Article
14 VI.

15 Section 25. The Illinois Highway Code is amended by adding
16 Section 5-205.10 as follows:

17 (605 ILCS 5/5-205.10 new)

18 Sec. 5-205.10. Cessation of township organization. If
19 township organization ceases as provided in Article 27 of the
20 Township Code, then the municipality shall assume the duties of
21 highway commissioner under this Code.

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 35 ILCS 200/2-85 new

4 60 ILCS 1/Art. 27 heading

5 new

6 60 ILCS 1/27-5 new

7 60 ILCS 1/27-10 new

8 60 ILCS 1/27-15 new

9 60 ILCS 1/27-20 new

10 60 ILCS 1/27-25 new

11 70 ILCS 905/25 new

12 305 ILCS 5/12-3.1 new

13 605 ILCS 5/5-205.10 new