

AN ACT concerning local government.

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

Section 5. The Election Code is amended by adding Section 3-7 and by changing Section 28-1 as follows:

(10 ILCS 5/3-7 new)

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

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

(b) In the consolidated election where township trustees are elected next following the certification of a successful referendum to dissolve a township and merge its territory into 2 adjacent townships under Article 23 of the Township Code, the qualified electors entitled to caucus, vote for, be nominated for, and run for offices in a receiving township shall also include those registered voters residing in the territory of the dissolving township described in the resolutions adopted

under Section 23-10 of the Township Code as the territory to be merged with the receiving township. For purposes of this subsection (b) only, "dissolving township" and "receiving township" have the meaning provided in Section 23-5 of the Township Code.

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

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

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

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

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

Whenever a statute provides for the initiation of a public

question by a petition of electors, the provisions of such statute shall govern with respect to the number of signatures required, the qualifications of persons entitled to sign the petition, the contents of the petition, the officer with whom the petition must be filed, and the form of the question to be submitted. If such statute does not specify any of the foregoing petition requirements, the corresponding petition requirements of Section 28-6 shall govern such petition.

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

If more than 3 propositions are timely initiated or certified for submission at an election with respect to a political subdivision, the first 3 validly initiated, by the filing of a petition or by the adoption of a resolution or ordinance of a political subdivision, as the case may be, shall be printed on the ballot and submitted at that election. However, except as expressly authorized by law not more than

one proposition to change the form of government of a municipality pursuant to Article VII of the Constitution may be submitted at an election. If more than one such proposition is timely initiated or certified for submission at an election with respect to a municipality, the first validly initiated shall be the one printed on the ballot and submitted at that election.

No public question shall be submitted to the voters of a political subdivision at any regularly scheduled election at which such voters are not scheduled to cast votes for any candidates for nomination for, election to or retention in public office, except that if, in any existing or proposed political subdivision in which the submission of a public question at a regularly scheduled election is desired, the voters of only a portion of such existing or proposed political subdivision are not scheduled to cast votes for nomination for, election to or retention in public office at such election, but the voters in one or more other portions of such existing or proposed political subdivision are scheduled to cast votes for nomination for, election to or retention in public office at such election, the public question shall be voted upon by all the qualified voters of the entire existing or proposed political subdivision at the election.

Not more than 3 advisory public questions may be submitted to the voters of the entire state at a general election. If more than 3 such advisory propositions are initiated, the first

3 timely and validly initiated shall be the questions printed on the ballot and submitted at that election; provided however, that a question for a proposed amendment to Article IV of the Constitution pursuant to Section 3, Article XIV of the Constitution, or for a question submitted under the Property Tax Cap Referendum Law, shall not be included in the foregoing limitation.

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

Section 10. The Counties Code is amended by changing the heading of Division 2-4, by changing Sections 2-4006, 5-44010, 5-44020, and by adding Section 5-44043 as follows:

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

Division 2-4. Counties not under  
Township Organization  
Organized as a Commission  
Form of Government

(55 ILCS 5/2-4006)

Sec. 2-4006. Terms of commissioners.

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

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

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

(c-5) In Calhoun County, Edwards County, and Union County, the registered voters of the county may, upon referendum initiated by (i) the adoption of a resolution of the board of county commissioners or (ii) a petition signed by not less than 10% of the registered voters in the county, determine that the board of county commissioners shall consist of 5 commissioners elected at large. The commissioners must certify the question

to the proper election authority, which must submit the question at an election in accordance with the general election law.

The question shall be submitted in substantially the following form:

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

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

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

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

(55 ILCS 5/5-44010)

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

such counties.

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

(55 ILCS 5/5-44020)

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

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

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

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

(Source: P.A. 98-126, eff. 8-2-13; 98-756, eff. 7-16-14;



99-709, eff. 8-5-16.)

(55 ILCS 5/5-44043 new)

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

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

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

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

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

(60 ILCS 1/10-25)

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

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

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

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

(60 ILCS 1/Art. 22 heading new)

ARTICLE 22. CONSOLIDATION OF  
MULTIPLE TOWNSHIPS

(60 ILCS 1/22-5 new)

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

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

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

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

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

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

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

purposes of this Section, 3 or more townships are adjacent when each township shares a boundary with at least one of the other townships which are to be consolidated.

(b) Before passing a resolution under subsection (a), each township board shall hold a public hearing on those matters after notice of the hearing has been published on the main page of the townships' websites, if any, and in a newspaper having a general circulation in the townships affected. The notice shall be published at least 30 days before the date of the hearing. The notice shall contain, at a minimum, the name of all townships that will be consolidating and a description of the area of consolidation.

(60 ILCS 1/22-10 new)

Sec. 22-10. Referendum.

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

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

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

The referendum is approved when a majority of the voters, in each of the affected townships, approve the referendum.

(b) Before a referendum appears on the ballot under subsection (a), each township board shall publish a copy of the adopted resolution on the main page of the townships' websites, if any, and in a newspaper having a general circulation in each of the townships affected. The notice shall be published at least 30 days before the date of the general election in which the referendum will appear.

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

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

(60 ILCS 1/22-15 new)

Sec. 22-15. Transition. Notwithstanding any other

provision of law to the contrary, upon the approval of a referendum under Section 22-10:

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

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

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

between the separate townships in the preceding calendar year.

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

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

(60 ILCS 1/22-20 new)

Sec. 22-20. Consolidated township.

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

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

(2) all rights, powers, duties, assets, and property, together with all personnel, contractual obligations, other obligations, responsibilities, and liabilities of the separate townships are transferred to the consolidated township; those rights include, but are not limited to, the authority to continue to collect, receive, and expend the proceeds of any tax levied by any of the separate townships prior to the creation of the consolidated township without

an additional ordinance, resolution, or referendum; the proceeds of any tax levied by any of the separate townships prior to the creation of the consolidated township shall be expended or disposed of by the consolidated township in the same manner as such assessments might have been expended or disposed of by the separate townships; however, if the consolidated township board determines that there is a surplus in the fund for general township purposes on December 31 of the calendar year in which the consolidation occurs, then any portion of the surplus that is solely attributable to the consolidation shall be refunded to the owners of record of taxable property within the consolidated district on a pro rata basis; and

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

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



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

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

(60 ILCS 1/Art. 23 heading new)

ARTICLE 23. MERGER OF A SINGLE

TOWNSHIP INTO 2 OTHER TOWNSHIPS

(60 ILCS 1/23-5 new)

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

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

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

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

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

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

(60 ILCS 1/23-10 new)

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

(a) Notwithstanding any other provision of law to the contrary, the township boards of any 3 adjacent townships may,

by identical resolutions of each board, propose that a township which borders the other 2 townships be dissolved by referendum and all rights, powers, duties, assets, and property, together with all personnel, contractual obligations, other obligations, responsibilities, and liabilities of the dissolving township transferred to the receiving townships. Each resolution shall include, but is not limited to, the following:

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

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

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

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

unless otherwise agreed to in the resolutions;

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

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

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

(b) Before passing a resolution under this Section, each township board shall hold a public hearing on those matters after notice of the hearing has been published on the main page of the townships' websites, if any, and in a newspaper having a general circulation in the townships affected. The notice shall be published at least 30 days before the date of the hearing. The notice shall contain, at a minimum, the name of the dissolving township and receiving townships and a description of the area each receiving township will receive from the dissolving township.

(60 ILCS 1/23-15 new)

Sec. 23-15. Referendum and notices.

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

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

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

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

The referendum is approved when a majority of the voters, in each of the affected townships, approve the referendum.

(b) Before a referendum appears on the ballot under subsection (a), the township boards shall publish a copy of the adopted resolution on the main page of the townships' websites, if any, and in a newspaper having a general circulation in each of the townships affected. The notice shall be published at least 30 days before the date of the general election.

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

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

provision setting forth that limitation.

(60 ILCS 1/23-20 new)

Sec. 23-20. Transition.

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

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

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

(3) each Transition Township Board shall hold a public

meeting no later than the first Tuesday in April before the receiving townships' boards of trustees are elected at the consolidated election next following the approval of a referendum under Section 23-15. At this public meeting, the Transition Township Board shall provide for the compensation for all township officials that will be elected at the consolidated election. If the Board cannot agree on the compensation for an official, then the compensation for the same office between the receiving and dissolving townships shall be the lower compensation for the office in the dissolving township or receiving township;

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

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

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

(60 ILCS 1/23-25 new)

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

(a) The dissolving township ceases.

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

(c) Road districts located within the dissolving township are abolished and all the rights, powers, duties, assets, property, liabilities, obligations, and responsibilities of the dissolving road districts shall vest in and be assumed by the receiving townships' road districts as provided for in the resolutions adopted under Section 23-10; the boards of trustees of the receiving townships shall exercise the taxing authority of a road district dissolved under this Section and shall exercise



all duties and responsibilities of the highway commissioner as provided in the Illinois Highway Code unless a road district in the receiving township has a highway commissioner who shall assume all duties and responsibilities of the highway commissioner of the dissolving road districts if so resolved by the receiving township board; highway commissioners of the dissolving road districts shall cease to hold office on the date the road district is abolished; and for purposes of distribution of revenue, the receiving townships' road districts, or the township board if no road districts exist, shall assume the powers, duties, and obligations of the dissolving road district.

(60 ILCS 1/25-15)

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

by lot. At each succeeding general election after the first, one commissioner shall be elected.

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

(60 ILCS 1/25-25)

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

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

(60 ILCS 1/Art. 29 heading new)

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

(60 ILCS 1/29-5 new)

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

(60 ILCS 1/29-10 new)

Sec. 29-10. Notice.

(a) Before passing resolutions under Section 29-5, the township board and the corporate authorities of the municipality shall hold public hearings on those matters after notice of the hearing has been published on the main page of the respective entities' websites, if any, and in a newspaper having general circulation in the township and municipality. The notice shall be published at least 30 days before the date of the hearing.

(b) Before a referendum is placed on the ballot under Section 29-15, each township board shall publish a copy of the

resolution adopted under Section 29-5 on the main page of the respective entities' websites, if any, and in a newspaper of general circulation in the township and municipality affected. The notice shall be published at least 30 days before the date of the general election in which the referendum will appear.

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

(60 ILCS 1/29-15 new)

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

Shall the Township of (name of township) cease?

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

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

(60 ILCS 1/29-20 new)

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

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

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

(3) the municipality shall exercise all duties and

responsibilities of the township officers as provided in the Township Code, the Illinois Public Aid Code, the Property Tax Code, and the Illinois Highway Code, as applicable. The municipality may enter into an intergovernmental agreement with the county or the State to administer the duties and responsibilities of the township officers for services under its jurisdiction; and

(4) any road district located within the township is abolished and its jurisdiction, rights, powers, duties, assets, property, liabilities, obligations, and responsibilities shall vest in and be assumed by the municipality and the highway commissioner of the abolished road district shall cease to hold office. The corporate authorities of the municipality shall: exercise the taxing authority of a road district abolished under this Section; exercise all duties and responsibilities of the highway commissioner as provided in the Illinois Highway Code; and for purposes of distribution of revenue, assume the powers, duties, and obligations of the road district in the discontinued township. The corporate authorities of a municipality may enter into an intergovernmental agreement or a contract with the county, another municipality, or a private contractor to administer the roads which were under the jurisdiction of the abolished road district.

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

(60 ILCS 1/65-20)

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

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

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

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

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

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

Section 20. The Home Equity Assurance Act is amended by changing Sections 4 and 5 and by adding Section 21 as follows:

(65 ILCS 95/4) (from Ch. 24, par. 1604)

Sec. 4. Creation of Commission.

(a) Whenever in a municipality with more than 1,000,000 inhabitants, the question of creating a home equity program within a contiguous territory included entirely within the municipality is initiated by resolution or ordinance of the corporate authorities of the municipality or by a petition signed by not less than 10% of the total number of registered voters of each precinct in the territory, the registered voters of which are eligible to sign the petition, it shall be the duty of the election authority having jurisdiction over such



municipality to submit the question of creating a home equity program to the electors of each precinct within the territory at the regular election specified in the resolution, ordinance or petition initiating the question. If the question is initiated by petition and if the requisite number of signatures is not obtained in any precinct included within the territory described in the petition, then the petition shall be valid as to the territory encompassed by those precincts for which the requisite number of signatures is obtained and any such precinct for which the requisite number of signatures is not obtained shall be excluded from the territory. A petition initiating a question described in this Section shall be filed with the election authority having jurisdiction over the municipality. The petition shall be filed and objections thereto shall be made in the manner provided in the general election law. A resolution, ordinance, or petition initiating a question described in this Section shall specify the election at which the question is to be submitted. The referendum on such question shall be held in accordance with general election law. Such question, and the resolution, ordinance, or petition initiating the question, shall include a description of the territory, the name of the proposed home equity program, and the maximum rate at which the home equity program shall be able to levy a property tax. All of that area within the geographic boundaries of the territory described in such question shall be included in the program, and no area outside the geographic

boundaries of the territory described in such question shall be included in the program. If the election authority determines that the description cannot be included within the space limitations of the ballot, the election authority shall prepare large printed copies of a notice of the question, which shall be prominently displayed in the polling place of each precinct in which the question is to be submitted.

(b) Whenever a majority of the voters on such public question approve the creation of a home equity program as certified by the proper election authorities, the mayor of the municipality shall appoint, with the consent of the corporate authorities, 9 individuals, to be known as commissioners, to serve as the governing body of the home equity program. The mayor shall choose 7 of the 9 individuals to be appointed to the governing commission from nominees submitted by a community organization or community organizations as defined in this Act. A community organization may recommend up to 20 individuals to serve on a governing commission. Beginning after the effective date of this amendatory Act of the 100th General Assembly, a home equity commission shall consist of 7 commissioners; however, the 9 commissioners serving on a governing commission on the effective date of this amendatory Act of the 100th General Assembly shall be allowed to finish their current terms of service. Thereafter, the number of commissioners shall be reduced to 7.

No fewer than 5 commissioners serving at any one time shall

reside within the territory of the program. Beginning after the effective date of this amendatory Act of the 100th General Assembly, and upon the number of commissioners being reduced to 7, no fewer than 4 commissioners serving at any one time shall reside within the territory of the program.

Upon the initial appointment of 7 commissioners to ~~creation~~ ~~of~~ a governing commission under the provisions of this amendatory Act of the 100th General Assembly, the terms of the initial commissioners shall be as follows: one ~~3~~ shall serve for one year, 3 shall serve for 2 years, and 3 shall serve for 3 years and until a successor is appointed and qualified. All succeeding terms shall be for 3 years, or until a successor is appointed or qualified. Commissioners shall serve without compensation except for reimbursement for reasonable expenses incurred in the performance of duties as a commissioner. A vacancy in the office of a member of a commission shall be filled in like manner as an original appointment.

All proceedings and meetings of the governing commission shall be conducted in accordance with the provisions of the Open Meetings Act, as now or hereafter amended.

(Source: P.A. 93-709, eff. 7-9-04.)

(65 ILCS 95/5) (from Ch. 24, par. 1605)

Sec. 5. Duties and Functions of Commission. The duties and functions of the governing commission of a Home Equity Program shall include the following:

(a) To conduct or supervise the day-to-day operation of the program, including but not limited to the administration of homeowner applications for participation in the program and homeowner claims against the guarantee fund.

(b) To establish policies, rules, regulations, bylaws, and procedures for both the governing commission and the program. No policies, rules, regulations, or bylaws shall be adopted by the governing commission without prior notice to the residents of the territory of a program and an opportunity for such residents to be heard.

(c) To provide annual status reports on the program to the mayor and corporate authorities of the municipality.

(d) To establish guaranteed value standards which are directly linked to the program appraisal, to approve guarantee values, to establish requirements for program appraisers consistent with subsection (p) of Section 3. In no event shall the program guidelines adopted by the governing commission provide for selecting appraisers based on criteria other than the quality and timeliness of the appraisals provided to the governing commission.

(e) To manage, administer, and invest the guarantee fund.

(f) To liquidate acquired assets to maintain the guarantee fund.

(g) To participate in arbitration required under the program and to subpoena all necessary persons, parties, or documents required to proceed with such arbitration.

(h) To employ necessary personnel, acquire necessary office space, enter into contractual relationships and disburse funds in accordance with the provisions of this Act. A governing commission may employ full-time or part-time employees.

(i) To perform such other functions in connection with the program and the guarantee fund as required under this Act.

(Source: P.A. 85-1044.)

(65 ILCS 95/21 new)

Sec. 21. Tax Reimbursement Program. A governing commission, with no less than \$4,000,000 unencumbered funds in its guarantee fund, may, if authorized by resolution of the governing commission upon approval by two-thirds of the commissioners, establish a Tax Reimbursement Program to make reimbursements to each applicable taxpayer for an amount of no more than the total of their pro rata share of the annual levy imposed by the commission. Prior to authorizing a reimbursement program, an independent licensed public accountant not connected with the commission or any entity conducting business with the commission shall audit the commission and the proposal for the program. The commission may create a program if the independent licensed public accountant determines that such a program will not reduce the balance of the guarantee fund to less than \$3,000,000. For the purposes of this Section, "applicable taxpayer" means the owner of record that paid the

tax levied on property in accordance with Section 11 of this Act.

Section 25. The Street Light District Act is amended by changing Section 11 as follows:

(70 ILCS 3305/11)

Sec. 11. Cessation of district organization. Notwithstanding any other provision of law, if a majority vote of the board of trustees is in favor of the proposition to annex the district to another district whose boundaries are contiguous, or consolidate the district into a municipality with which the district is coterminous or substantially coterminous, or consolidate the district into the county in which the district sits if the district contains territory within only one county, or consolidate the district into the township in which the district sits if the entire district is located within the district, and if the governing authorities of the governmental unit assuming the functions of the former district agree by resolution to accept the functions (and jurisdiction over the territory, if applicable) of the consolidated or annexed district, then the district shall cease. On the effective date of the annexation or consolidation, all the rights, powers, duties, assets, property, liabilities, indebtedness, obligations, bonding authority, taxing authority, and responsibilities of the

district shall vest in and be assumed by the governmental unit assuming the functions of the former district.

The employees of the former district shall be transferred to the governmental unit assuming the functions of the former district. The governmental unit assuming the functions of the former district shall exercise the rights and responsibilities of the former district with respect to those employees. The status and rights of the employees of the former district under any applicable contracts or collective bargaining agreements, historical representation rights under the Illinois Public Labor Relations Act, or under any pension, retirement, or annuity plan shall not be affected by this amendatory Act.

(Source: P.A. 98-1002, eff. 8-18-14.)

Section 30. The Illinois Highway Code is amended by changing Sections 6-130 and 6-133 and by adding Section 6-135 as follows:

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

Sec. 6-130. Road district abolishment. Notwithstanding any other provision of this Act to the contrary, no township road district may continue in existence if the roads forming a part of the district do not exceed a total of 4 miles in length as determined by the county engineer or county superintendent of highways. ~~For purposes of this Section, the roads forming a part of a township road district include those roads maintained~~

~~by the district, regardless of whether or not those roads are owned by the township.~~ On the first Tuesday in April of 1975, or of any subsequent year next succeeding the reduction of a township road system to a total mileage of 4 miles or less, each such township road district shall, by operation of law, be abolished. The roads comprising that district at that time shall thereafter be administered by the township board of trustees by contracting with the county, a municipality or a private contractor. The township board of trustees shall assume all taxing authority of a township road district abolished under this Section.

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

(605 ILCS 5/6-133)

Sec. 6-133. Abolishing a road district in Cook County. By resolution, the board of trustees of any township located in Cook County, Illinois, may submit a proposition to abolish the road district of that township to the electors of that township at a general election or consolidated election in accordance with the general election law. The ballot shall be in substantially the following form:

-----

Shall the Road District of the Township of  
 ..... be abolished with all the rights,  
 powers, duties, assets, property, liabilities, YES



obligations, and responsibilities being assumed -----  
 by the Township of ..... ? NO  
 -----

In the event that a majority of the electors voting on such proposition are in favor thereof, then the road district shall be abolished by operation of law effective on January 1 of the calendar year immediately following the calendar year in which the proposition was approved by the electors or on the date the term of the highway commissioner in office at the time the proposition was approved by the electors expires, whichever is later.

On that date, all the rights, powers, duties, assets, property, liabilities, obligations, and responsibilities of the road district shall by operation of law vest in and be assumed by the township. On that date, the township board of trustees shall assume all taxing authority of a road district abolished under this Section. On that date, any highway commissioner of the abolished road district shall cease to hold office, such term having been terminated. Thereafter, the township shall exercise all duties and responsibilities of the highway commissioner as provided in the Illinois Highway Code. The township board of trustees may enter into a contract with the county, a municipality, or a private contractor to administer the roads under its jurisdiction. ~~The township board of trustees shall assume all taxing authority of a township~~

~~road district abolished under this subsection.~~ For purposes of distribution of revenue, the township shall assume the powers, duties, and obligations of the road district.

(Source: P.A. 97-611, eff. 1-1-12.)

(605 ILCS 5/6-135 new)

Sec. 6-135. Abolishing a road district with less than 15 miles of roads.

(a) Any township in a county with a population less than 3,000,000 may abolish a road district of that township if the roads of the road district are less than 15 miles in length, as determined by the county engineer or county superintendent of highways, by resolution of a majority of the board of trustees to submit a referendum to abolish the road district of that township. The referendum shall be submitted to the electors of that township at the next general election or consolidated election in accordance with the general election law. The ballot shall be in substantially the following form:

-----

<u>Shall the Road District of the Township of</u>	
<u>..... be abolished with all the rights,</u>	
<u>powers, duties, assets, property, liabilities,</u>	<u>YES</u>
<u>obligations, and responsibilities being assumed</u>	<u>-----</u>
<u>by the Township of ..... ?</u>	<u>NO</u>

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(b) If a majority of the electors voting on the referendum

under subsection (a) of this Section are in favor of abolishing the township road district, then the road district is abolished on the January 1 following the approval of the referendum or on the date the term of the highway commissioner in office at the time the referendum was approved expires, whichever is later.

On the date of abolishment: all the rights, powers, duties, assets, property, liabilities, obligations, and responsibilities of the road district shall by operation of law vest in and be assumed by the township; the township board of trustees shall assume all taxing authority of a road district abolished under this Section; any highway commissioner of the abolished road district shall cease to hold office; the township shall exercise all duties and responsibilities of the highway commissioner as provided in the Illinois Highway Code; and for purposes of distribution of revenue, the township shall assume the powers, duties, and obligations of the road district. 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 under this Section.

Section 99. Effective date. This Act takes effect January 1, 2018.