



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB2018

Introduced 2/15/2019, by Sen. William E. Brady

SYNOPSIS AS INTRODUCED:

35 ILCS 200/3-70
60 ILCS 1/Art. 26 heading new
60 ILCS 1/26-5 new
60 ILCS 1/26-10 new
60 ILCS 1/26-15 new
60 ILCS 1/26-20 new
60 ILCS 1/26-25 new
60 ILCS 1/26-30 new
60 ILCS 1/26-35 new
305 ILCS 5/12-3.1

Amends the Township Code. Adds an Article that allows for discontinuance of Capital Township in Sangamon County. Provides petition and referendum requirements to discontinue the township. Provides that if the referendum for discontinuance is approved, the township is discontinued on the third Monday in May in the year of the consolidated election in which the township officials are elected next following the approval of the referendum. Provides for the transfer to Sangamon County of powers, duties, records, and property of the discontinued township. Makes conforming changes in the Property Tax Code and the Illinois Public Aid Code. Effective immediately.

LRB101 11074 AWJ 56280 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 5. The Property Tax Code is amended by changing
5 Section 3-70 as follows:

6 (35 ILCS 200/3-70)

7 Sec. 3-70. Cessation of Township Assessor. If the office of
8 Township Assessor in a coterminous township ceases as provided
9 in Articles 27 and 28 of the Township Code, then the
10 coterminous municipality shall assume the duties of the
11 Township Assessor under this Code. If the office of Township
12 Assessor in Capital Township ceases as provided in Article 26
13 of the Township Code, then the Sangamon County Clerk shall
14 assume the duties of the Township Assessor under this Code as
15 provided in Section 90-10 of the Township Code.

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

17 Section 10. The Township Code is amended by adding the
18 Article 26 as follows:

19 (60 ILCS 1/Art. 26 heading new)

20 ARTICLE 26. DISCONTINUANCE OF CAPITAL TOWNSHIP

1 (60 ILCS 1/26-5 new)

2 Sec. 26-5. Applicability; references. This Article applies
3 only to Capital Township in Sangamon County. References to
4 "county", "county board", or a county official are references
5 to Sangamon County and its officials.

6 (60 ILCS 1/26-10 new)

7 Sec. 26-10. Resolutions or petition and referendum for
8 discontinuance of township. Upon the adoption of resolutions by
9 the township board of trustees and the county board, or upon
10 petition of at least 10% of the registered voters of the
11 township, the township board of trustees shall certify to the
12 election authority and the authority shall cause to be
13 submitted to the voters of the township at the next election a
14 referendum to discontinue the township and to transfer all the
15 rights, powers, duties, assets, property, liabilities,
16 obligations, and responsibilities of the township to the
17 county.

18 A signature on a petition shall not be valid or counted in
19 considering the petition unless the form requirements are
20 complied with and the date of each signature is less than 90
21 days before the last day for filing the petition. The statement
22 of the person who circulates the petition must include an
23 attestation (i) indicating the dates on which that sheet was
24 circulated, (ii) indicating the first and last date on which
25 that sheet was circulated, or (iii) certifying that none of the

1 signatures on the sheet was signed more than 90 days before the
2 last day for filing the petition. The petition shall be treated
3 and the proposition certified in the manner provided by the
4 general election law. After the proposition has once been
5 submitted to the electorate, the proposition shall not be
6 resubmitted for 4 years.

7 The referendum shall be in substantially the following
8 form:

9 "Shall Capital Township be discontinued and all the rights
10 and responsibilities of Capital Township transfer to Sangamon
11 County?"

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

13 The referendum is approved when a majority of the voters in
14 the township approve the referendum.

15 If the referendum is approved there shall be no further
16 nominations or elections for trustees of the township, and the
17 terms of all such trustees currently serving shall continue
18 until the third Monday of May of the year of the consolidated
19 election in which township officials are elected next following
20 the approval of a referendum under this Section.

21 (60 ILCS 1/26-15 new)

22 Sec. 26-15. Notice.

23 (a) Before passing resolutions under Section 26-10 or after
24 receipt of a petition signed under Section 26-10, the township
25 board and the county board shall hold public hearings on those

1 matters after notice of the hearing has been published on the
2 main page of the township and county websites, if any, and in a
3 newspaper having general circulation in the township and
4 county. The notice shall be published at least 30 days before
5 the date of the hearing.

6 (b) Before a referendum is placed on the ballot under
7 Section 26-10, the township board shall publish a copy of the
8 resolution adopted under Section 26-10 on the main page of the
9 township and county websites, if any, and in a newspaper of
10 general circulation in the township and county affected. The
11 notice shall be published at least 30 days before the date of
12 the election in which the referendum will appear.

13 The township board shall additionally mail a copy of the
14 adopted resolutions or petition, along with a copy of the
15 referendum language, the date the referendum will appear, and a
16 list of all taxes levied in the township to every registered
17 voter in the township. The notice shall be mailed at least 30
18 days before the date of the election in which the referendum
19 will appear.

20 (60 ILCS 1/26-20 new)

21 Sec. 26-20. Discontinuance of township. On the third Monday
22 in May in the year of the consolidated election in which
23 township officials are elected next following the approval of a
24 referendum under Section 26-10:

25 (1) the township is discontinued and all the rights,

1 powers, duties, assets, property, liabilities,
2 obligations, and responsibilities of the township shall
3 vest in and be assumed by the county, including the
4 authority to levy property taxes for township purposes in
5 the same manner as the discontinued township, for the
6 benefit of the inhabitants of the discontinued township,
7 without an additional ordinance, resolution, or
8 referendum;

9 (2) all township officers shall cease to hold office
10 and the county clerk and county treasurer shall serve as
11 township officers in the manner provided in Section 90-10;
12 and

13 (3) the county shall exercise all duties and
14 responsibilities of the township officers as provided in
15 the Township Code, the Illinois Public Aid Code, the
16 Property Tax Code, and the Illinois Highway Code, as
17 applicable.

18 (60 ILCS 1/26-25 new)

19 Sec. 26-25. Business, records, and property of
20 discontinued township. The records of a township discontinued
21 under this Article shall be deposited in the county clerk's
22 office. The county may close up all unfinished business of the
23 township and sell and dispose of any of the property belonging
24 to the township for benefit of the inhabitants of the
25 discontinued township.

1 (60 ILCS 1/26-30 new)

2 Sec. 26-30. Taxation. Notwithstanding any provision of law
3 to the contrary, no tax rate may be extended for any fund of
4 the township for the first levy year following the referendum
5 approving discontinuance under Section 26-10 that exceeds any
6 statutory maximum set forth for that fund, unless the
7 referendum also conforms to the requirements of the Property
8 Tax Extension Limitation Law or other statutory provision
9 setting forth that limitation.

10 (60 ILCS 1/26-35 new)

11 Sec. 26-35. Contracts; tax levies.

12 (a) The township, or any township official, division, or
13 commission, may not enter into, renew, or extend a contract
14 beyond the date of discontinuance of the township.

15 (b) The township, or any township official, division, or
16 commission, may not enter into, renew, or extend a contract,
17 bond, or other expenditure that would increase the indebtedness
18 of the township to an amount greater than the amount of
19 indebtedness on the date the referendum passed under Section
20 26-10.

21 (c) The township may not enact any additional tax levies on
22 or after the date the referendum passed under Section 26-10.

23 (d) Notwithstanding subsections (a), (b), and (c), the
24 township board may approve contracts and expenses for emergency

1 purposes to protect life, health, or safety of its residents.

2 Section 15. The Illinois Public Aid Code is amended by
3 changing Section 12-3.1 as follows:

4 (305 ILCS 5/12-3.1)

5 Sec. 12-3.1. Discontinuance of a coterminous township.
6 Upon discontinuance of a coterminous township under Articles 27
7 and 28 of the Township Code, the coterminous municipality shall
8 provide funds for and administer the public aid program
9 provided for under Article VI of this Code. Upon discontinuance
10 of Capital Township under Article 26 of the Township Code,
11 Sangamon County shall provide funds for and administer the
12 public aid program provided for under Article VI of this Code
13 for the benefit of the inhabitants of the discontinued
14 township.

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

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.