



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB1567

Introduced 2/15/2019, by Sen. Craig Wilcox

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 property, assets, 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. Provides that municipalities within the dissolving township may elect to assume the duties and responsibilities of the dissolving 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, Motor Fuel Tax Law, 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 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 07831 AWJ 52883 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 Motor Fuel Tax Law is amended by changing
9 Section 8 as follows:

10 (35 ILCS 505/8) (from Ch. 120, par. 424)

11 Sec. 8. Except as provided in Section 8a, subdivision
12 (h) (1) of Section 12a, Section 13a.6, and items 13, 14, 15, and
13 16 of Section 15, all money received by the Department under
14 this Act, including payments made to the Department by member
15 jurisdictions participating in the International Fuel Tax
16 Agreement, shall be deposited in a special fund in the State
17 treasury, to be known as the "Motor Fuel Tax Fund", and shall
18 be used as follows:

19 (a) 2 1/2 cents per gallon of the tax collected on special
20 fuel under paragraph (b) of Section 2 and Section 13a of this
21 Act shall be transferred to the State Construction Account Fund
22 in the State Treasury;

23 (b) \$420,000 shall be transferred each month to the State
24 Boating Act Fund to be used by the Department of Natural

1 Resources for the purposes specified in Article X of the Boat
2 Registration and Safety Act;

3 (c) \$3,500,000 shall be transferred each month to the Grade
4 Crossing Protection Fund to be used as follows: not less than
5 \$12,000,000 each fiscal year shall be used for the construction
6 or reconstruction of rail highway grade separation structures;
7 \$2,250,000 in fiscal years 2004 through 2009 and \$3,000,000 in
8 fiscal year 2010 and each fiscal year thereafter shall be
9 transferred to the Transportation Regulatory Fund and shall be
10 accounted for as part of the rail carrier portion of such funds
11 and shall be used to pay the cost of administration of the
12 Illinois Commerce Commission's railroad safety program in
13 connection with its duties under subsection (3) of Section
14 18c-7401 of the Illinois Vehicle Code, with the remainder to be
15 used by the Department of Transportation upon order of the
16 Illinois Commerce Commission, to pay that part of the cost
17 apportioned by such Commission to the State to cover the
18 interest of the public in the use of highways, roads, streets,
19 or pedestrian walkways in the county highway system, township
20 and district road system, or municipal street system as defined
21 in the Illinois Highway Code, as the same may from time to time
22 be amended, for separation of grades, for installation,
23 construction or reconstruction of crossing protection or
24 reconstruction, alteration, relocation including construction
25 or improvement of any existing highway necessary for access to
26 property or improvement of any grade crossing and grade

1 crossing surface including the necessary highway approaches
2 thereto of any railroad across the highway or public road, or
3 for the installation, construction, reconstruction, or
4 maintenance of a pedestrian walkway over or under a railroad
5 right-of-way, as provided for in and in accordance with Section
6 18c-7401 of the Illinois Vehicle Code. The Commission may order
7 up to \$2,000,000 per year in Grade Crossing Protection Fund
8 moneys for the improvement of grade crossing surfaces and up to
9 \$300,000 per year for the maintenance and renewal of 4-quadrant
10 gate vehicle detection systems located at non-high speed rail
11 grade crossings. The Commission shall not order more than
12 \$2,000,000 per year in Grade Crossing Protection Fund moneys
13 for pedestrian walkways. In entering orders for projects for
14 which payments from the Grade Crossing Protection Fund will be
15 made, the Commission shall account for expenditures authorized
16 by the orders on a cash rather than an accrual basis. For
17 purposes of this requirement an "accrual basis" assumes that
18 the total cost of the project is expended in the fiscal year in
19 which the order is entered, while a "cash basis" allocates the
20 cost of the project among fiscal years as expenditures are
21 actually made. To meet the requirements of this subsection, the
22 Illinois Commerce Commission shall develop annual and 5-year
23 project plans of rail crossing capital improvements that will
24 be paid for with moneys from the Grade Crossing Protection
25 Fund. The annual project plan shall identify projects for the
26 succeeding fiscal year and the 5-year project plan shall

1 identify projects for the 5 directly succeeding fiscal years.
2 The Commission shall submit the annual and 5-year project plans
3 for this Fund to the Governor, the President of the Senate, the
4 Senate Minority Leader, the Speaker of the House of
5 Representatives, and the Minority Leader of the House of
6 Representatives on the first Wednesday in April of each year;

7 (d) of the amount remaining after allocations provided for
8 in subsections (a), (b) and (c), a sufficient amount shall be
9 reserved to pay all of the following:

10 (1) the costs of the Department of Revenue in
11 administering this Act;

12 (2) the costs of the Department of Transportation in
13 performing its duties imposed by the Illinois Highway Code
14 for supervising the use of motor fuel tax funds apportioned
15 to municipalities, counties and road districts;

16 (3) refunds provided for in Section 13, refunds for
17 overpayment of decal fees paid under Section 13a.4 of this
18 Act, and refunds provided for under the terms of the
19 International Fuel Tax Agreement referenced in Section
20 14a;

21 (4) from October 1, 1985 until June 30, 1994, the
22 administration of the Vehicle Emissions Inspection Law,
23 which amount shall be certified monthly by the
24 Environmental Protection Agency to the State Comptroller
25 and shall promptly be transferred by the State Comptroller
26 and Treasurer from the Motor Fuel Tax Fund to the Vehicle

1 Inspection Fund, and for the period July 1, 1994 through
2 June 30, 2000, one-twelfth of \$25,000,000 each month, for
3 the period July 1, 2000 through June 30, 2003, one-twelfth
4 of \$30,000,000 each month, and \$15,000,000 on July 1, 2003,
5 and \$15,000,000 on January 1, 2004, and \$15,000,000 on each
6 July 1 and October 1, or as soon thereafter as may be
7 practical, during the period July 1, 2004 through June 30,
8 2012, and \$30,000,000 on June 1, 2013, or as soon
9 thereafter as may be practical, and \$15,000,000 on July 1
10 and October 1, or as soon thereafter as may be practical,
11 during the period of July 1, 2013 through June 30, 2015,
12 for the administration of the Vehicle Emissions Inspection
13 Law of 2005, to be transferred by the State Comptroller and
14 Treasurer from the Motor Fuel Tax Fund into the Vehicle
15 Inspection Fund;

16 (5) amounts ordered paid by the Court of Claims; and

17 (6) payment of motor fuel use taxes due to member
18 jurisdictions under the terms of the International Fuel Tax
19 Agreement. The Department shall certify these amounts to
20 the Comptroller by the 15th day of each month; the
21 Comptroller shall cause orders to be drawn for such
22 amounts, and the Treasurer shall administer those amounts
23 on or before the last day of each month;

24 (e) after allocations for the purposes set forth in
25 subsections (a), (b), (c) and (d), the remaining amount shall
26 be apportioned as follows:

1 (1) Until January 1, 2000, 58.4%, and beginning January
2 1, 2000, 45.6% shall be deposited as follows:

3 (A) 37% into the State Construction Account Fund,
4 and

5 (B) 63% into the Road Fund, \$1,250,000 of which
6 shall be reserved each month for the Department of
7 Transportation to be used in accordance with the
8 provisions of Sections 6-901 through 6-906 of the
9 Illinois Highway Code;

10 (2) Until January 1, 2000, 41.6%, and beginning January
11 1, 2000, 54.4% shall be transferred to the Department of
12 Transportation to be distributed as follows:

13 (A) 49.10% to the municipalities of the State,

14 (B) 16.74% to the counties of the State having
15 1,000,000 or more inhabitants,

16 (C) 18.27% to the counties of the State having less
17 than 1,000,000 inhabitants,

18 (D) 15.89% to the road districts of the State.

19 As soon as may be after the first day of each month the
20 Department of Transportation shall allot to each municipality
21 its share of the amount apportioned to the several
22 municipalities which shall be in proportion to the population
23 of such municipalities as determined by the last preceding
24 municipal census if conducted by the Federal Government or
25 Federal census. If territory is annexed to any municipality
26 subsequent to the time of the last preceding census the

1 corporate authorities of such municipality may cause a census
2 to be taken of such annexed territory and the population so
3 ascertained for such territory shall be added to the population
4 of the municipality as determined by the last preceding census
5 for the purpose of determining the allotment for that
6 municipality. If the population of any municipality was not
7 determined by the last Federal census preceding any
8 apportionment, the apportionment to such municipality shall be
9 in accordance with any census taken by such municipality. Any
10 municipal census used in accordance with this Section shall be
11 certified to the Department of Transportation by the clerk of
12 such municipality, and the accuracy thereof shall be subject to
13 approval of the Department which may make such corrections as
14 it ascertains to be necessary.

15 As soon as may be after the first day of each month the
16 Department of Transportation shall allot to each county its
17 share of the amount apportioned to the several counties of the
18 State as herein provided. Each allotment to the several
19 counties having less than 1,000,000 inhabitants shall be in
20 proportion to the amount of motor vehicle license fees received
21 from the residents of such counties, respectively, during the
22 preceding calendar year. The Secretary of State shall, on or
23 before April 15 of each year, transmit to the Department of
24 Transportation a full and complete report showing the amount of
25 motor vehicle license fees received from the residents of each
26 county, respectively, during the preceding calendar year. The

1 Department of Transportation shall, each month, use for
2 allotment purposes the last such report received from the
3 Secretary of State.

4 As soon as may be after the first day of each month, the
5 Department of Transportation shall allot to the several
6 counties their share of the amount apportioned for the use of
7 road districts. The allotment shall be apportioned among the
8 several counties in the State in the proportion which the total
9 mileage of township or district roads in the respective
10 counties bears to the total mileage of all township and
11 district roads in the State. Funds allotted to the respective
12 counties for the use of road districts therein shall be
13 allocated to the several road districts in the county in the
14 proportion which the total mileage of such township or district
15 roads in the respective road districts bears to the total
16 mileage of all such township or district roads in the county.
17 After July 1 of any year prior to 2011, no allocation shall be
18 made for any road district unless it levied a tax for road and
19 bridge purposes in an amount which will require the extension
20 of such tax against the taxable property in any such road
21 district at a rate of not less than either .08% of the value
22 thereof, based upon the assessment for the year immediately
23 prior to the year in which such tax was levied and as equalized
24 by the Department of Revenue or, in DuPage County, an amount
25 equal to or greater than \$12,000 per mile of road under the
26 jurisdiction of the road district, whichever is less. Beginning

1 July 1, 2011 and each July 1 thereafter, an allocation shall be
2 made for any road district if it levied a tax for road and
3 bridge purposes. In counties other than DuPage County, if the
4 amount of the tax levy requires the extension of the tax
5 against the taxable property in the road district at a rate
6 that is less than 0.08% of the value thereof, based upon the
7 assessment for the year immediately prior to the year in which
8 the tax was levied and as equalized by the Department of
9 Revenue, then the amount of the allocation for that road
10 district shall be a percentage of the maximum allocation equal
11 to the percentage obtained by dividing the rate extended by the
12 district by 0.08%. In DuPage County, if the amount of the tax
13 levy requires the extension of the tax against the taxable
14 property in the road district at a rate that is less than the
15 lesser of (i) 0.08% of the value of the taxable property in the
16 road district, based upon the assessment for the year
17 immediately prior to the year in which such tax was levied and
18 as equalized by the Department of Revenue, or (ii) a rate that
19 will yield an amount equal to \$12,000 per mile of road under
20 the jurisdiction of the road district, then the amount of the
21 allocation for the road district shall be a percentage of the
22 maximum allocation equal to the percentage obtained by dividing
23 the rate extended by the district by the lesser of (i) 0.08% or
24 (ii) the rate that will yield an amount equal to \$12,000 per
25 mile of road under the jurisdiction of the road district.

26 Prior to 2011, if any road district has levied a special

1 tax for road purposes pursuant to Sections 6-601, 6-602 and
2 6-603 of the Illinois Highway Code, and such tax was levied in
3 an amount which would require extension at a rate of not less
4 than .08% of the value of the taxable property thereof, as
5 equalized or assessed by the Department of Revenue, or, in
6 DuPage County, an amount equal to or greater than \$12,000 per
7 mile of road under the jurisdiction of the road district,
8 whichever is less, such levy shall, however, be deemed a proper
9 compliance with this Section and shall qualify such road
10 district for an allotment under this Section. Beginning in 2011
11 and thereafter, if any road district has levied a special tax
12 for road purposes under Sections 6-601, 6-602, and 6-603 of the
13 Illinois Highway Code, and the tax was levied in an amount that
14 would require extension at a rate of not less than 0.08% of the
15 value of the taxable property of that road district, as
16 equalized or assessed by the Department of Revenue or, in
17 DuPage County, an amount equal to or greater than \$12,000 per
18 mile of road under the jurisdiction of the road district,
19 whichever is less, that levy shall be deemed a proper
20 compliance with this Section and shall qualify such road
21 district for a full, rather than proportionate, allotment under
22 this Section. If the levy for the special tax is less than
23 0.08% of the value of the taxable property, or, in DuPage
24 County if the levy for the special tax is less than the lesser
25 of (i) 0.08% or (ii) \$12,000 per mile of road under the
26 jurisdiction of the road district, and if the levy for the

1 special tax is more than any other levy for road and bridge
2 purposes, then the levy for the special tax qualifies the road
3 district for a proportionate, rather than full, allotment under
4 this Section. If the levy for the special tax is equal to or
5 less than any other levy for road and bridge purposes, then any
6 allotment under this Section shall be determined by the other
7 levy for road and bridge purposes.

8 Prior to 2011, if a township has transferred to the road
9 and bridge fund money which, when added to the amount of any
10 tax levy of the road district would be the equivalent of a tax
11 levy requiring extension at a rate of at least .08%, or, in
12 DuPage County, an amount equal to or greater than \$12,000 per
13 mile of road under the jurisdiction of the road district,
14 whichever is less, such transfer, together with any such tax
15 levy, shall be deemed a proper compliance with this Section and
16 shall qualify the road district for an allotment under this
17 Section.

18 In counties in which a property tax extension limitation is
19 imposed under the Property Tax Extension Limitation Law, road
20 districts may retain their entitlement to a motor fuel tax
21 allotment or, beginning in 2011, their entitlement to a full
22 allotment if, at the time the property tax extension limitation
23 was imposed, the road district was levying a road and bridge
24 tax at a rate sufficient to entitle it to a motor fuel tax
25 allotment and continues to levy the maximum allowable amount
26 after the imposition of the property tax extension limitation.

1 Any road district may in all circumstances retain its
2 entitlement to a motor fuel tax allotment or, beginning in
3 2011, its entitlement to a full allotment if it levied a road
4 and bridge tax in an amount that will require the extension of
5 the tax against the taxable property in the road district at a
6 rate of not less than 0.08% of the assessed value of the
7 property, based upon the assessment for the year immediately
8 preceding the year in which the tax was levied and as equalized
9 by the Department of Revenue or, in DuPage County, an amount
10 equal to or greater than \$12,000 per mile of road under the
11 jurisdiction of the road district, whichever is less.

12 As used in this Section the term "road district" means any
13 road district, including a county unit road district, provided
14 for by the Illinois Highway Code; and the term "township or
15 district road" means any road in the township and district road
16 system as defined in the Illinois Highway Code. For the
17 purposes of this Section, "township or district road" also
18 includes such roads as are maintained by park districts, forest
19 preserve districts and conservation districts. The Department
20 of Transportation shall determine the mileage of all township
21 and district roads for the purposes of making allotments and
22 allocations of motor fuel tax funds for use in road districts.

23 Payment of motor fuel tax moneys to municipalities and
24 counties shall be made as soon as possible after the allotment
25 is made. The treasurer of the municipality or county may invest
26 these funds until their use is required and the interest earned

1 by these investments shall be limited to the same uses as the
2 principal funds.

3 If a township is dissolved under Article 24 of the Township
4 Code, the county in which the township lies shall receive any
5 moneys that would have been distributed to the township under
6 this subsection, except that a municipality that assumes the
7 powers and responsibilities of a road district under paragraph
8 (6) of Section 24-35 of the Township Code shall receive any
9 moneys that would have been distributed to the township in a
10 percent equal to the area of the dissolved road district or
11 portion of the dissolved road district over which the
12 municipality assumed the powers and responsibilities compared
13 to the total area of the dissolved township.

14 (Source: P.A. 97-72, eff. 7-1-11; 97-333, eff. 8-12-11; 98-24,
15 eff. 6-19-13; 98-674, eff. 6-30-14.)

16 Section 15. The Counties Code is amended by adding Section
17 5-1184 as follows:

18 (55 ILCS 5/5-1184 new)

19 Sec. 5-1184. Dissolution of townships in McHenry County. If
20 a township in McHenry County dissolves as provided in Article
21 24 of the Township Code, McHenry County shall assume the
22 powers, duties, and obligations of each dissolved township as
23 provided in Article 24 of the Township Code.

1 Section 20. The Township Code is amended by adding Article
2 24 as follows:

3 (60 ILCS 1/Art. 24 heading new)

4 ARTICLE 24. DISSOLUTION OF
5 TOWNSHIPS IN MCHENRY COUNTY

6 (60 ILCS 1/24-5 new)

7 Sec. 24-5. Scope. The method of dissolution of a township
8 in McHenry County under this Article shall be in addition to
9 any other method of dissolving a township provided by law or
10 otherwise.

11 (60 ILCS 1/24-10 new)

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

15 (60 ILCS 1/24-15 new)

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

1 (60 ILCS 1/24-20 new)

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

3 (a) Subject to the petition requirements of Section 28-3 of
4 the Election Code, petitions for a referendum to dissolve a
5 township located in McHenry County must be filed with the
6 governing board of the township, the county board of McHenry
7 County, and the McHenry County Clerk not less than 122 days
8 prior to any election held throughout the township. Petitions
9 must include:

10 (1) the name of the dissolving township;

11 (2) the date of dissolution; and

12 (3) signatures of a number of electors equal to or
13 greater than 5% of the total ballots cast in the township
14 in the preceding township election; all signatures
15 gathered under this paragraph (3) must be signed within 90
16 days prior to the filing of a petition.

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

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

1 be dissolved on (date -----
 2 of dissolution) with all of
 3 the township and road district
 4 property, assets, personnel,
 5 obligations, and liabilities being NO
 6 transferred to McHenry County?

7 -----

8 (b) The referendum is approved when a majority of those
 9 voting in the election from the dissolving township approve the
 10 referendum.

11 (60 ILCS 1/24-35 new)

12 Sec. 24-35. Dissolution; transfer of rights and duties.
 13 When the dissolution of a township has been approved under
 14 Section 24-30:

15 (1) On or before the date of dissolution, all real and
 16 personal property, and any other assets, together with all
 17 personnel, contractual obligations, and liabilities of the
 18 dissolving township and road districts wholly within the
 19 boundaries of the dissolving township shall be transferred
 20 to McHenry County. All funds of the dissolved township and
 21 dissolved road districts shall be used solely on behalf of
 22 the residents of the geographic area within the boundaries
 23 of the dissolved township.

24 After the transfer of property to the county under this
 25 paragraph: all park land, cemetery land, buildings, and

1 facilities within the geographic area of the dissolving
2 township must be utilized for the primary benefit of the
3 geographic area of the dissolving township; and any
4 proceeds from the sale of the park land, cemetery land,
5 buildings, or facilities after transfer to the county must
6 be utilized for the sole benefit of the geographic area of
7 the dissolving township.

8 (2) On the date of dissolution, the dissolving township
9 is dissolved.

10 (3) On and after the date of dissolution, all rights
11 and duties of the dissolved township may be exercised by
12 the McHenry County Board solely on behalf of the residents
13 of the geographic area within the boundaries of the
14 dissolved township. The duties that may be exercised by the
15 county include, but are not limited to, the administration
16 of a dissolved township's general assistance program and
17 the Chief County Assessment Officer of McHenry County
18 exercising the duties of the township assessor.

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

1 under this paragraph may be used for the purposes allowed
2 by the statute authorizing the tax levy or to pay
3 liabilities of the dissolved township or road districts
4 that were transferred to the county under paragraph (1).
5 The taxpayers within the boundaries of the dissolving
6 township are responsible to pay the liabilities
7 transferred to the county under paragraph (1).

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

13 (6) The county board of McHenry County shall give
14 written notice to each municipality whose governing board
15 meets within the boundaries of a dissolving township that
16 the municipality may make an offer, on or before 60 days
17 after the date of dissolution of the dissolving township,
18 that the municipality will assume all of the powers and
19 responsibilities of a road district or road districts
20 wholly inside the dissolving township. The notice shall be
21 sent to each municipality on or before 30 days after the
22 date of dissolution of the township. Any eligible
23 municipality may, with consent of its governing board, make
24 an offer to assume all of the powers and responsibilities
25 of the dissolving township's road district or road
26 districts. A municipality may offer to assume the powers

1 and responsibilities only for a limited period of time. If
2 one or more offers are received by McHenry County on or
3 before 60 days after the date of dissolution of the
4 dissolving township, the county board of McHenry County
5 shall select the best offer or offers that the board
6 determines would be in the best interest and welfare of the
7 affected resident population. If no municipality makes an
8 offer, the powers and duties of the dissolving township's
9 road district or road districts are retained by McHenry
10 County. The municipality that assumes the powers and duties
11 of the dissolving township's road district or road
12 districts shall not extend a road district property tax
13 levy under Division 5 of Article 6 of the Illinois Highway
14 Code that is greater than 90% of the road district property
15 tax levy that was extended by the county on behalf of the
16 dissolving township's road district or road districts for
17 the duties taken on by the municipality.

18 (7) On the date of dissolution of the township or road
19 district, elected and appointed township officers and road
20 commissioners shall cease to hold office. An elected or
21 appointed township official or township road commissioner
22 shall not be compensated for any duties performed after the
23 dissolution of the township or road district that they
24 represented. An elected township official or township road
25 commissioner shall not have legal recourse upon the
26 elimination of his or her elected or appointed position.

1 Section 25. The Illinois Highway Code is amended by adding
2 Section 6-140 as follows:

3 (605 ILCS 5/6-140 new)

4 Sec. 6-140. Abolishing a road district within Lake County
5 or McHenry County with less than 15 miles of roads. Any
6 township in Lake County or McHenry County shall abolish a road
7 district of that township if the roads of the road district are
8 less than 15 centerline miles in length, as determined by the
9 county engineer or county superintendent of highways. A road
10 district is abolished on the expiration of the term of office
11 of the highway commissioner of the road district facing
12 abolition following the determination by the county engineer or
13 county superintendent of highways of the length, in centerline
14 mileage, of the roads within the road district to be abolished.

15 On the date of abolition: all the rights, powers, duties,
16 assets, property, liabilities, obligations, and
17 responsibilities of the road district shall by operation of law
18 vest in and be assumed by the township; the township board of
19 trustees shall assume all taxing authority of a road district
20 abolished under this Section and shall exercise all duties and
21 responsibilities of the highway commissioner as provided in
22 this Code; and for purposes of distribution of revenue, the
23 township shall assume the powers, duties, and obligations of
24 the road district. The township board of trustees may enter

1 into a contract with the county, a municipality, or a private
2 contractor to administer the roads added to its jurisdiction
3 under this Section.

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.

1 INDEX

2 Statutes amended in order of appearance

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

4 35 ILCS 505/8 from Ch. 120, par. 424

5 55 ILCS 5/5-1184 new

6 60 ILCS 1/Art. 24 heading

7 new

8 60 ILCS 1/24-5 new

9 60 ILCS 1/24-10 new

10 60 ILCS 1/24-15 new

11 60 ILCS 1/24-20 new

12 60 ILCS 1/24-25 new

13 60 ILCS 1/24-30 new

14 60 ILCS 1/24-35 new

15 605 ILCS 5/6-140 new