



Rep. Sam Yingling

Filed: 3/21/2019

10100HB0348ham001

LRB101 06955 AWJ 58358 a

1 AMENDMENT TO HOUSE BILL 348

2 AMENDMENT NO. _____. Amend House Bill 348 by replacing
3 everything after the enacting clause with the following:

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

1 28-7 as follows:

2 (10 ILCS 5/28-7) (from Ch. 46, par. 28-7)

3 Sec. 28-7. Except as provided in Article 24 of the Township
4 Code, in ~~in~~ any case in which Article VII or paragraph (a) of
5 Section 5 of the Transition Schedule of the Constitution
6 authorizes any action to be taken by or with respect to any
7 unit of local government, as defined in Section 1 of Article
8 VII of the Constitution, by or subject to approval by
9 referendum, any such public question shall be initiated in
10 accordance with this Section.

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

19 If the action to be taken requires a referendum involving 2
20 or more units of local government, the proposal shall be
21 submitted to the voters of such governmental units by the
22 election authorities with jurisdiction over the territory of
23 the governmental units. Such multi-unit proposals may be
24 initiated by appropriate resolutions by the respective
25 governing bodies or by petitions of the voters of the several

1 governmental units filed with the respective clerks or
2 secretaries.

3 This Section is intended to provide a method of submission
4 to referendum in all cases of proposals for actions which are
5 authorized by Article VII of the Constitution by or subject to
6 approval by referendum and supersedes any conflicting
7 statutory provisions except those contained in Division 2-5 of
8 the Counties Code or Article 24 of the Township Code.

9 Referenda provided for in this Section may not be held more
10 than once in any 23-month period on the same proposition,
11 provided that in any municipality a referendum to elect not to
12 be a home rule unit may be held only once within any 47-month
13 period.

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

15 Section 10. The Motor Fuel Tax Law is amended by changing
16 Section 8 as follows:

17 (35 ILCS 505/8) (from Ch. 120, par. 424)

18 Sec. 8. Except as provided in Section 8a, subdivision
19 (h)(1) of Section 12a, Section 13a.6, and items 13, 14, 15, and
20 16 of Section 15, all money received by the Department under
21 this Act, including payments made to the Department by member
22 jurisdictions participating in the International Fuel Tax
23 Agreement, shall be deposited in a special fund in the State
24 treasury, to be known as the "Motor Fuel Tax Fund", and shall

1 be used as follows:

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

6 (b) \$420,000 shall be transferred each month to the State
7 Boating Act Fund to be used by the Department of Natural
8 Resources for the purposes specified in Article X of the Boat
9 Registration and Safety Act;

10 (c) \$3,500,000 shall be transferred each month to the Grade
11 Crossing Protection Fund to be used as follows: not less than
12 \$12,000,000 each fiscal year shall be used for the construction
13 or reconstruction of rail highway grade separation structures;
14 \$2,250,000 in fiscal years 2004 through 2009 and \$3,000,000 in
15 fiscal year 2010 and each fiscal year thereafter shall be
16 transferred to the Transportation Regulatory Fund and shall be
17 accounted for as part of the rail carrier portion of such funds
18 and shall be used to pay the cost of administration of the
19 Illinois Commerce Commission's railroad safety program in
20 connection with its duties under subsection (3) of Section
21 18c-7401 of the Illinois Vehicle Code, with the remainder to be
22 used by the Department of Transportation upon order of the
23 Illinois Commerce Commission, to pay that part of the cost
24 apportioned by such Commission to the State to cover the
25 interest of the public in the use of highways, roads, streets,
26 or pedestrian walkways in the county highway system, township

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

1 cost of the project among fiscal years as expenditures are
2 actually made. To meet the requirements of this subsection, the
3 Illinois Commerce Commission shall develop annual and 5-year
4 project plans of rail crossing capital improvements that will
5 be paid for with moneys from the Grade Crossing Protection
6 Fund. The annual project plan shall identify projects for the
7 succeeding fiscal year and the 5-year project plan shall
8 identify projects for the 5 directly succeeding fiscal years.
9 The Commission shall submit the annual and 5-year project plans
10 for this Fund to the Governor, the President of the Senate, the
11 Senate Minority Leader, the Speaker of the House of
12 Representatives, and the Minority Leader of the House of
13 Representatives on the first Wednesday in April of each year;

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

17 (1) the costs of the Department of Revenue in
18 administering this Act;

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

23 (3) refunds provided for in Section 13, refunds for
24 overpayment of decal fees paid under Section 13a.4 of this
25 Act, and refunds provided for under the terms of the
26 International Fuel Tax Agreement referenced in Section

1 14a;

2 (4) from October 1, 1985 until June 30, 1994, the
3 administration of the Vehicle Emissions Inspection Law,
4 which amount shall be certified monthly by the
5 Environmental Protection Agency to the State Comptroller
6 and shall promptly be transferred by the State Comptroller
7 and Treasurer from the Motor Fuel Tax Fund to the Vehicle
8 Inspection Fund, and for the period July 1, 1994 through
9 June 30, 2000, one-twelfth of \$25,000,000 each month, for
10 the period July 1, 2000 through June 30, 2003, one-twelfth
11 of \$30,000,000 each month, and \$15,000,000 on July 1, 2003,
12 and \$15,000,000 on January 1, 2004, and \$15,000,000 on each
13 July 1 and October 1, or as soon thereafter as may be
14 practical, during the period July 1, 2004 through June 30,
15 2012, and \$30,000,000 on June 1, 2013, or as soon
16 thereafter as may be practical, and \$15,000,000 on July 1
17 and October 1, or as soon thereafter as may be practical,
18 during the period of July 1, 2013 through June 30, 2015,
19 for the administration of the Vehicle Emissions Inspection
20 Law of 2005, to be transferred by the State Comptroller and
21 Treasurer from the Motor Fuel Tax Fund into the Vehicle
22 Inspection Fund;

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

24 (6) payment of motor fuel use taxes due to member
25 jurisdictions under the terms of the International Fuel Tax
26 Agreement. The Department shall certify these amounts to

1 the Comptroller by the 15th day of each month; the
2 Comptroller shall cause orders to be drawn for such
3 amounts, and the Treasurer shall administer those amounts
4 on or before the last day of each month;

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

8 (1) Until January 1, 2000, 58.4%, and beginning January
9 1, 2000, 45.6% shall be deposited as follows:

10 (A) 37% into the State Construction Account Fund,
11 and

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

17 (2) Until January 1, 2000, 41.6%, and beginning January
18 1, 2000, 54.4% shall be transferred to the Department of
19 Transportation to be distributed as follows:

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

21 (B) 16.74% to the counties of the State having
22 1,000,000 or more inhabitants,

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

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

26 If a township is dissolved under Article 24 of the

1 Township Code, McHenry County shall receive any moneys that
2 would have been distributed to the township under this
3 subparagraph, except that a municipality that assumes the
4 powers and responsibilities of a road district under
5 paragraph (6) of Section 24-35 of the Township Code shall
6 receive any moneys that would have been distributed to the
7 township in a percent equal to the area of the dissolved
8 road district or portion of the dissolved road district
9 over which the municipality assumed the powers and
10 responsibilities compared to the total area of the
11 dissolved township. The moneys received under this
12 subparagraph shall be used in the geographic area of the
13 dissolved township. If a township is reconstituted as
14 provided under Section 24-45 of the Township Code, McHenry
15 County or a municipality shall no longer be distributed
16 moneys under this subparagraph.

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

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

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

1 Secretary of State.

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

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

24 Prior to 2011, if any road district has levied a special
25 tax for road purposes pursuant to Sections 6-601, 6-602 and
26 6-603 of the Illinois Highway Code, and such tax was levied in

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

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

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

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

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

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

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

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

3 Section 15. The Counties Code is amended by adding Section
4 5-1184 as follows:

5 (55 ILCS 5/5-1184 new)

6 Sec. 5-1184. Dissolution of townships in McHenry County. If
7 a township in McHenry County dissolves as provided in Article
8 24 of the Township Code, McHenry County shall assume the
9 powers, duties, and obligations of each dissolved township as
10 provided in Article 24 of the Township Code.

11 Section 20. The Township Code is amended by adding Article
12 24 as follows:

13 (60 ILCS 1/Art. 24 heading new)

14 ARTICLE 24. DISSOLUTION OF
15 TOWNSHIPS IN MCHENRY COUNTY

16 (60 ILCS 1/24-10 new)

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

20 (60 ILCS 1/24-15 new)

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

7 (60 ILCS 1/24-20 new)

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

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

16 (1) the name of the dissolving township;

17 (2) the date of dissolution; and

18 (3) signatures of a number of electors as follows: (A)
19 for any township, the number of signatures shall be the
20 larger of (i) 5% of the total ballots cast in the township
21 in the immediately preceding election that is of an
22 election type comparable to the election for which the
23 petition is being filed, or (ii) 250 signatures. All
24 signatures gathered under this paragraph (3) must be signed
25 within 180 days prior to the filing of a petition.

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

4 (c) If a valid petition is filed under subsection (a), then
5 the McHenry County Clerk shall, by publication in one or more
6 newspapers of general circulation within the county and on the
7 county's website, not less than 90 days prior to the election
8 at which the referendum is to be voted on, give notice in
9 substantially the following form:

10 NOTICE OF PETITION TO DISSOLVE (dissolving township).

11 Residents of (dissolving township) and McHenry County are
12 notified that a petition has been filed with (dissolving
13 township) and McHenry County requesting a referendum to
14 dissolve (dissolving township) on (date of dissolution)
15 with all real and personal property, and any other assets,
16 together with all personnel, contractual obligations, and
17 liabilities being transferred to McHenry County.

18 (60 ILCS 1/24-25 new)

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

23 (60 ILCS 1/24-30 new)

1 Sec. 24-30. Referendum; voting.

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

5 -----

6 Shall the (dissolving
7 township), together with any road
8 districts wholly within the
9 boundaries of (dissolving

YES

10 township), be dissolved on (date
11 of dissolution) with all of
12 the township and road district
13 property, assets, personnel,
14 obligations, and liabilities being
15 transferred to McHenry County?

NO

16 -----

17 (b) The referendum is approved when a majority of those
18 voting in the election from the dissolving township approve the
19 referendum.

20 (60 ILCS 1/24-35 new)

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

24 (1) On or before the date of dissolution, all real and
25 personal property, and any other assets, together with all

1 personnel, contractual obligations, and liabilities of the
2 dissolving township and road districts wholly within the
3 boundaries of the dissolving township shall be transferred
4 to McHenry County. All funds of the dissolved township and
5 dissolved road districts shall be used solely on behalf of
6 the residents of the geographic area within the boundaries
7 of the dissolved township.

8 After the transfer of property to the county under this
9 paragraph, all park land, cemetery land, buildings, and
10 facilities within the geographic area of the dissolving
11 township must be utilized for the primary benefit of the
12 geographic area of the dissolving township. Proceeds from
13 the sale of the park land, cemetery land, buildings, or
14 facilities after transfer to the county must be utilized
15 for the sole benefit of the geographic area of the
16 dissolved township.

17 (2) On the date of dissolution, the dissolving township
18 is dissolved.

19 (3) On and after the date of dissolution, all rights
20 and duties of the dissolved township may be exercised by
21 the McHenry County Board solely on behalf of the residents
22 of the geographic area within the boundaries of the
23 dissolved township. The duties that may be exercised by the
24 county include, but are not limited to, the administration
25 of a dissolved township's general assistance program,
26 maintenance and operation of a dissolved township's

1 cemeteries, and the Chief County Assessment officer of
2 McHenry County exercising the duties of the township
3 assessor.

4 (4) The McHenry County Board shall not extend a
5 property tax levy that is greater than 90% of the property
6 tax levy extended by the dissolved township or road
7 districts for the duties taken on by McHenry County. This
8 property tax levy may not be extended outside the
9 boundaries of the dissolved township. In all subsequent
10 years, this levy shall be bound by the provisions of the
11 Property Tax Extension Limitation Law.

12 A tax levy extended under this paragraph may be used
13 for the purposes allowed by the statute authorizing the tax
14 levy or to pay liabilities of the dissolved township or
15 dissolved road districts that were transferred to the
16 county under paragraph (1). The taxpayers within the
17 boundaries of the dissolved township are responsible to pay
18 any liabilities transferred to the county: the county shall
19 reduce spending within the boundaries of the former
20 township in the amount necessary to pay off any liabilities
21 transferred to the county under paragraph (1) that are not
22 covered by the assets enumerated in paragraph (1) or taxes
23 under this paragraph.

24 (5) All road districts wholly within the boundaries of
25 the dissolving township are dissolved on the date of
26 dissolution of the dissolving township, and all powers and

1 responsibilities of each road district are transferred to
2 McHenry County except as provided in paragraph (6).

3 (6) The county board of McHenry County shall give
4 written notice to each municipality whose governing board
5 meets within the boundaries of a dissolving township that
6 the municipality may make an offer, on or before 60 days
7 after the date of dissolution of the dissolving township,
8 that the municipality will assume all of the powers and
9 responsibilities of a road district or road districts
10 wholly inside the dissolving township. The notice shall be
11 sent to each municipality on or before 30 days after the
12 date of dissolution of the township. Any eligible
13 municipality may, with consent of its governing board, make
14 an offer to assume all of the powers and responsibilities
15 of the dissolving township's road district or road
16 districts. A municipality may offer to assume the powers
17 and responsibilities only for a limited period of time. If
18 one or more offers are received by McHenry County on or
19 before 60 days after the date of dissolution of the
20 dissolving township, the county board of McHenry County
21 shall select the best offer or offers that the board
22 determines would be in the best interest and welfare of the
23 affected resident population. If no municipality makes an
24 offer or if no satisfactory offer is made, the powers and
25 duties of the dissolving township's road district or road
26 districts are retained by McHenry County. The municipality

1 that assumes the powers and duties of the dissolving
2 township's road district or road districts shall not extend
3 a road district property tax levy under Division 5 of
4 Article 6 of the Illinois Highway Code that is greater than
5 90% of the road district property tax levy that was
6 extended by the county on behalf of the dissolving
7 township's road district or road districts for the duties
8 taken on by the municipality.

9 (7) On the date of dissolution of the township or road
10 district, elected and appointed township officers and road
11 commissioners shall cease to hold office. An elected or
12 appointed township official or township road commissioner
13 shall not be compensated for any other duties performed
14 after the dissolution of the township or road district that
15 they represented. An elected township official or township
16 road commissioner shall not have legal recourse relating to
17 the ceasing of their elected or appointed positions upon
18 the ceasing of their position.

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

21 (605 ILCS 5/6-140 new)

22 Sec. 6-140. Abolishing a road district within Lake County
23 or McHenry County with less than 15 miles of roads. Any
24 township in Lake County or McHenry County shall abolish a road

1 district of that township if the roads of the road district are
2 less than 15 centerline miles in length, as determined by the
3 county engineer or county superintendent of highways. A road
4 district is abolished on the expiration of the term of office
5 of the highway commissioner of the road district facing
6 abolition following the determination by the county engineer or
7 county superintendent of highways of the length, in centerline
8 mileage, of the roads within the road district to be abolished.

9 On the date of abolition: all the rights, powers, duties,
10 assets, property, liabilities, obligations, and
11 responsibilities of the road district shall by operation of law
12 vest in and be assumed by the township; the township board of
13 trustees shall assume all taxing authority of a road district
14 abolished under this Section and shall exercise all duties and
15 responsibilities of the highway commissioner as provided in
16 this Code; and for purposes of distribution of revenue, the
17 township shall assume the powers, duties, and obligations of
18 the road district. The township board of trustees may enter
19 into a contract with the county, a municipality, or a private
20 contractor to administer the roads added to its jurisdiction
21 under this Section.

22 Section 99. Effective date. This Act takes effect upon
23 becoming law."