



## 102ND GENERAL ASSEMBLY

### State of Illinois

### 2021 and 2022

### SB1648

Introduced 2/26/2021, by Sen. Brian W. Stewart

#### SYNOPSIS AS INTRODUCED:

35 ILCS 505/8 from Ch. 120, par. 424  
55 ILCS 5/5-1185  
60 ILCS 1/Art. 24 heading  
60 ILCS 1/24-10  
60 ILCS 1/24-15  
60 ILCS 1/24-20  
60 ILCS 1/24-30  
60 ILCS 1/24-35  
605 ILCS 5/6-140  
605 ILCS 5/6-135 rep.

Amends the Dissolution of Townships in McHenry County Article of the Township Code. Renames the Article and makes it applicable to all counties under township organization. Amends the Counties Code and the Motor Fuel Tax Law making conforming changes. Amends the Illinois Highway Code. Changes provisions requiring road districts in townships in Lake County and McHenry County to be abolished if the roads of the road district are less than 15 miles in length to require all townships to abolish such road districts. Repeals provisions making abolition permissive for townships with road districts that have roads of less than 15 miles in length. Effective immediately.

LRB102 16426 AWJ 21817 b

FISCAL NOTE ACT  
MAY APPLY

HOUSING  
AFFORDABILITY  
IMPACT NOTE ACT  
MAY APPLY

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 Motor Fuel Tax Law is amended by changing  
5 Section 8 as follows:

6 (35 ILCS 505/8) (from Ch. 120, par. 424)

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

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

22 (a-1) Beginning on July 1, 2019, an amount equal to the  
23 amount of tax collected under subsection (a) of Section 2 as a

1 result of the increase in the tax rate under Public Act 101-32  
2 ~~this amendatory Act of the 101st General Assembly~~ shall be  
3 transferred each month into the Transportation Renewal Fund;~~;~~

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

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

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

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

14 (d) of the amount remaining after allocations provided for  
15 in subsections (a), (a-1), (b)1 and (c), a sufficient amount  
16 shall be 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  
22 apportioned to municipalities, counties and road  
23 districts;

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

1 International Fuel Tax Agreement referenced in Section  
2 14a;

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

24 (4.5) beginning on July 1, 2019, the costs of the  
25 Environmental Protection Agency for the administration of  
26 the Vehicle Emissions Inspection Law of 2005 shall be

1       paid, subject to appropriation, from the Motor Fuel Tax  
2       Fund into the Vehicle Inspection Fund; beginning in 2019,  
3       no later than December 31 of each year, or as soon  
4       thereafter as practical, the State Comptroller shall  
5       direct and the State Treasurer shall transfer from the  
6       Vehicle Inspection Fund to the Motor Fuel Tax Fund any  
7       balance remaining in the Vehicle Inspection Fund in excess  
8       of \$2,000,000;

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

10          (6) payment of motor fuel use taxes due to member  
11       jurisdictions under the terms of the International Fuel  
12       Tax Agreement. The Department shall certify these amounts  
13       to the Comptroller by the 15th day of each month; the  
14       Comptroller shall cause orders to be drawn for such  
15       amounts, and the Treasurer shall administer those amounts  
16       on or before the last day of each month;

17       (e) after allocations for the purposes set forth in  
18       subsections (a), (a-1), (b), (c), and (d), the remaining  
19       amount shall be apportioned as follows:

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

22           (A) 37% into the State Construction Account Fund,  
23       and

24           (B) 63% into the Road Fund, \$1,250,000 of which  
25       shall be reserved each month for the Department of  
26       Transportation to be used in accordance with the

1 provisions of Sections 6-901 through 6-906 of the  
2 Illinois Highway Code;

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

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

7 (B) 16.74% to the counties of the State having  
8 1,000,000 or more inhabitants,

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

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

12 If a township is dissolved under Article 24 of the  
13 Township Code, the county in which the township lies  
14 ~~McHenry County~~ shall receive any moneys that would have  
15 been distributed to the township under this subparagraph,  
16 except that a municipality that assumes the powers and  
17 responsibilities of a road district under paragraph (6) of  
18 Section 24-35 of the Township Code shall receive any  
19 moneys that would have been distributed to the township in  
20 a percent equal to the area of the dissolved road district  
21 or portion of the dissolved road district over which the  
22 municipality assumed the powers and responsibilities  
23 compared to the total area of the dissolved township. The  
24 moneys received under this subparagraph shall be used in  
25 the geographic area of the dissolved township. ~~If a~~  
26 ~~township is reconstituted as provided under Section 24-45~~



1 ~~of the Township Code, McHenry County or a municipality~~  
2 ~~shall no longer be distributed moneys under this~~  
3 ~~subparagraph.~~

4 As soon as may be after the first day of each month, the  
5 Department of Transportation shall allot to each municipality  
6 its share of the amount apportioned to the several  
7 municipalities which shall be in proportion to the population  
8 of such municipalities as determined by the last preceding  
9 municipal census if conducted by the Federal Government or  
10 Federal census. If territory is annexed to any municipality  
11 subsequent to the time of the last preceding census the  
12 corporate authorities of such municipality may cause a census  
13 to be taken of such annexed territory and the population so  
14 ascertained for such territory shall be added to the  
15 population of the municipality as determined by the last  
16 preceding census for the purpose of determining the allotment  
17 for that municipality. If the population of any municipality  
18 was not determined by the last Federal census preceding any  
19 apportionment, the apportionment to such municipality shall be  
20 in accordance with any census taken by such municipality. Any  
21 municipal census used in accordance with this Section shall be  
22 certified to the Department of Transportation by the clerk of  
23 such municipality, and the accuracy thereof shall be subject  
24 to approval of the Department which may make such corrections  
25 as it ascertains to be necessary.

26 As soon as may be after the first day of each month, the

1 Department of Transportation shall allot to each county its  
2 share of the amount apportioned to the several counties of the  
3 State as herein provided. Each allotment to the several  
4 counties having less than 1,000,000 inhabitants shall be in  
5 proportion to the amount of motor vehicle license fees  
6 received from the residents of such counties, respectively,  
7 during the preceding calendar year. The Secretary of State  
8 shall, on or before April 15 of each year, transmit to the  
9 Department of Transportation a full and complete report  
10 showing the amount of motor vehicle license fees received from  
11 the residents of each county, respectively, during the  
12 preceding calendar year. The Department of Transportation  
13 shall, each month, use for allotment purposes the last such  
14 report received from the Secretary of State.

15 As soon as may be after the first day of each month, the  
16 Department of Transportation shall allot to the several  
17 counties their share of the amount apportioned for the use of  
18 road districts. The allotment shall be apportioned among the  
19 several counties in the State in the proportion which the  
20 total mileage of township or district roads in the respective  
21 counties bears to the total mileage of all township and  
22 district roads in the State. Funds allotted to the respective  
23 counties for the use of road districts therein shall be  
24 allocated to the several road districts in the county in the  
25 proportion which the total mileage of such township or  
26 district roads in the respective road districts bears to the

1 total mileage of all such township or district roads in the  
2 county. After July 1 of any year prior to 2011, no allocation  
3 shall be made for any road district unless it levied a tax for  
4 road and bridge purposes in an amount which will require the  
5 extension of such tax against the taxable property in any such  
6 road district at a rate of not less than either .08% of the  
7 value thereof, based upon the assessment for the year  
8 immediately prior to the year in which such tax was levied and  
9 as equalized by the Department of Revenue or, in DuPage  
10 County, an amount equal to or greater than \$12,000 per mile of  
11 road under the jurisdiction of the road district, whichever is  
12 less. Beginning July 1, 2011 and each July 1 thereafter, an  
13 allocation shall be made for any road district if it levied a  
14 tax for road and bridge purposes. In counties other than  
15 DuPage County, if the amount of the tax levy requires the  
16 extension of the tax against the taxable property in the road  
17 district at a rate that is less than 0.08% of the value  
18 thereof, based upon the assessment for the year immediately  
19 prior to the year in which the tax was levied and as equalized  
20 by the Department of Revenue, then the amount of the  
21 allocation for that road district shall be a percentage of the  
22 maximum allocation equal to the percentage obtained by  
23 dividing the rate extended by the district by 0.08%. In DuPage  
24 County, if the amount of the tax levy requires the extension of  
25 the tax against the taxable property in the road district at a  
26 rate that is less than the lesser of (i) 0.08% of the value of

1 the taxable property in the road district, based upon the  
2 assessment for the year immediately prior to the year in which  
3 such tax was levied and as equalized by the Department of  
4 Revenue, or (ii) a rate that will yield an amount equal to  
5 \$12,000 per mile of road under the jurisdiction of the road  
6 district, then the amount of the allocation for the road  
7 district shall be a percentage of the maximum allocation equal  
8 to the percentage obtained by dividing the rate extended by  
9 the district by the lesser of (i) 0.08% or (ii) the rate that  
10 will yield an amount equal to \$12,000 per mile of road under  
11 the jurisdiction of the road district.

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

1 than 0.08% of the value of the taxable property of that road  
2 district, as equalized or assessed by the Department of  
3 Revenue or, in DuPage County, an amount equal to or greater  
4 than \$12,000 per mile of road under the jurisdiction of the  
5 road district, whichever is less, that levy shall be deemed a  
6 proper compliance with this Section and shall qualify such  
7 road district for a full, rather than proportionate, allotment  
8 under this Section. If the levy for the special tax is less  
9 than 0.08% of the value of the taxable property, or, in DuPage  
10 County if the levy for the special tax is less than the lesser  
11 of (i) 0.08% or (ii) \$12,000 per mile of road under the  
12 jurisdiction of the road district, and if the levy for the  
13 special tax is more than any other levy for road and bridge  
14 purposes, then the levy for the special tax qualifies the road  
15 district for a proportionate, rather than full, allotment  
16 under this Section. If the levy for the special tax is equal to  
17 or less than any other levy for road and bridge purposes, then  
18 any allotment under this Section shall be determined by the  
19 other levy for road and bridge purposes.

20 Prior to 2011, if a township has transferred to the road  
21 and bridge fund money which, when added to the amount of any  
22 tax levy of the road district would be the equivalent of a tax  
23 levy requiring extension at a rate of at least .08%, or, in  
24 DuPage County, an amount equal to or greater than \$12,000 per  
25 mile of road under the jurisdiction of the road district,  
26 whichever is less, such transfer, together with any such tax

1 levy, shall be deemed a proper compliance with this Section  
2 and shall qualify the road district for an allotment under  
3 this Section.

4 In counties in which a property tax extension limitation  
5 is imposed under the Property Tax Extension Limitation Law,  
6 road districts may retain their entitlement to a motor fuel  
7 tax allotment or, beginning in 2011, their entitlement to a  
8 full allotment if, at the time the property tax extension  
9 limitation was imposed, the road district was levying a road  
10 and bridge tax at a rate sufficient to entitle it to a motor  
11 fuel tax allotment and continues to levy the maximum allowable  
12 amount after the imposition of the property tax extension  
13 limitation. Any road district may in all circumstances retain  
14 its entitlement to a motor fuel tax allotment or, beginning in  
15 2011, its entitlement to a full allotment if it levied a road  
16 and bridge tax in an amount that will require the extension of  
17 the tax against the taxable property in the road district at a  
18 rate of not less than 0.08% of the assessed value of the  
19 property, based upon the assessment for the year immediately  
20 preceding the year in which the tax was levied and as equalized  
21 by the Department of Revenue or, in DuPage County, an amount  
22 equal to or greater than \$12,000 per mile of road under the  
23 jurisdiction of the road district, whichever is less.

24 As used in this Section, the term "road district" means  
25 any road district, including a county unit road district,  
26 provided for by the Illinois Highway Code; and the term

1 "township or district road" means any road in the township and  
2 district road system as defined in the Illinois Highway Code.  
3 For the purposes of this Section, "township or district road"  
4 also includes such roads as are maintained by park districts,  
5 forest preserve districts and conservation districts. The  
6 Department of Transportation shall determine the mileage of  
7 all township and district roads for the purposes of making  
8 allotments and allocations of motor fuel tax funds for use in  
9 road districts.

10 Payment of motor fuel tax moneys to municipalities and  
11 counties shall be made as soon as possible after the allotment  
12 is made. The treasurer of the municipality or county may  
13 invest these funds until their use is required and the  
14 interest earned by these investments shall be limited to the  
15 same uses as the principal funds.

16 (Source: P.A. 101-32, eff. 6-28-19; 101-230, eff. 8-9-19;  
17 101-493, eff. 8-23-19; revised 9-24-19.)

18 Section 10. The Counties Code is amended by changing and  
19 renumbering Section 5-1184, as added by Public Act 101-230, as  
20 follows:

21 (55 ILCS 5/5-1185)

22 Sec. 5-1185 ~~5-1184~~. Dissolution of townships ~~in McHenry~~  
23 ~~County~~. If a township ~~in McHenry County~~ dissolves as provided  
24 in Article 24 of the Township Code, the county ~~McHenry County~~

1 shall assume the powers, duties, and obligations of each  
2 dissolved township as provided in Article 24 of the Township  
3 Code.

4 (Source: P.A. 101-230, eff. 8-9-19; revised 10-7-19.)

5 Section 15. The Township Code is amended by changing the  
6 heading of Article 24 and Sections 24-10, 24-15, 24-20, 24-30,  
7 and 24-35 as follows:

8 (60 ILCS 1/Art. 24 heading)

9 ARTICLE 24. DISSOLUTION OF  
10 TOWNSHIPS ~~IN MCHENRY COUNTY~~

11 (Source: P.A. 101-230, eff. 8-9-19.)

12 (60 ILCS 1/24-10)

13 Sec. 24-10. Definition. As used in this Article,  
14 "electors" means the registered voters of any single township  
15 in a county under township organization ~~McHenry County~~.

16 (Source: P.A. 101-230, eff. 8-9-19.)

17 (60 ILCS 1/24-15)

18 Sec. 24-15. Dissolving a township ~~in McHenry County~~. By  
19 resolution, the board of trustees of a ~~any~~ township ~~located in~~  
20 ~~McHenry County~~ may submit a proposition to dissolve the  
21 township to the electors of that township at the election next  
22 following in accordance with the general election law. The



1 ballot shall be as provided for in Section 24-30.

2 (Source: P.A. 101-230, eff. 8-9-19.)

3 (60 ILCS 1/24-20)

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

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

12 (1) the name of the dissolving township;

13 (2) the date of dissolution; and

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

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

25 (c) If a valid petition is filed under subsection (a),

1 then the county clerk ~~McHenry County Clerk~~ shall, by  
 2 publication in one or more newspapers of general circulation  
 3 within the county and on the county's website, not less than 90  
 4 days prior to the election at which the referendum is to be  
 5 voted on, give notice in substantially the following form:

6 NOTICE OF PETITION TO DISSOLVE (dissolving township).  
 7 Residents of (dissolving township) and (county) ~~McHenry~~  
 8 ~~County~~ are notified that a petition has been filed with  
 9 (dissolving township) and (county) ~~McHenry County~~  
 10 requesting a referendum to dissolve (dissolving township)  
 11 on (date of dissolution) with all real and personal  
 12 property, and any other assets, together with all  
 13 personnel, contractual obligations, and liabilities being  
 14 transferred to (county) ~~McHenry County~~.

15 (Source: P.A. 101-230, eff. 8-9-19.)

16 (60 ILCS 1/24-30)

17 Sec. 24-30. Referendum; voting.

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

21 -----

22 Shall the (dissolving  
 23 township), together with any road  
 24 districts wholly within the

YES

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

8 -----

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

12 (Source: P.A. 101-230, eff. 8-9-19.)

13 (60 ILCS 1/24-35)

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

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

1           After the transfer of property to the county under  
2           this paragraph, all park land, cemetery land, buildings,  
3           and facilities within the geographic area of the  
4           dissolving township must be utilized for the primary  
5           benefit of the geographic area of the dissolving township.  
6           Proceeds from the sale of the park land, cemetery land,  
7           buildings, or facilities after transfer to the county must  
8           be utilized for the sole benefit of the geographic area of  
9           the dissolved township.

10           (2) On the date of dissolution, the dissolving  
11           township is dissolved.

12           (3) On and after the date of dissolution, all rights  
13           and duties of the dissolved township may be exercised by  
14           the county board ~~McHenry County Board~~ solely on behalf of  
15           the residents of the geographic area within the boundaries  
16           of the dissolved township. The duties that may be  
17           exercised by the county include, but are not limited to,  
18           the administration of a dissolved township's general  
19           assistance program, maintenance and operation of a  
20           dissolved township's cemeteries, and the county assessor  
21           or county supervisor of assessments ~~Chief County~~  
22           ~~Assessment officer of McHenry County~~ exercising the duties  
23           of the township assessor.

24           (4) The county board ~~McHenry County Board~~ shall not  
25           extend a property tax levy that is greater than 90% of the  
26           property tax levy extended by the dissolved township or

1 road districts for the duties taken on by the county  
2 ~~McHenry County~~. This property tax levy may not be extended  
3 outside the boundaries of the dissolved township. In all  
4 subsequent years, this levy shall be bound by the  
5 provisions of the Property Tax Extension Limitation Law.

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

18 (5) All road districts wholly within the boundaries of  
19 the dissolving township are dissolved on the date of  
20 dissolution of the dissolving township, and all powers and  
21 responsibilities of each road district are transferred to  
22 the county ~~McHenry County~~ except as provided in paragraph  
23 (6).

24 (6) The county board ~~of McHenry County~~ shall give  
25 written notice to each municipality whose governing board  
26 meets within the boundaries of a dissolving township that

1 the municipality may make an offer, on or before 60 days  
2 after the date of dissolution of the dissolving township,  
3 that the municipality will assume all of the powers and  
4 responsibilities of a road district or road districts  
5 wholly inside the dissolving township. The notice shall be  
6 sent to each municipality on or before 30 days after the  
7 date of dissolution of the township. Any eligible  
8 municipality may, with consent of its governing board,  
9 make an offer to assume all of the powers and  
10 responsibilities of the dissolving township's road  
11 district or road districts. A municipality may offer to  
12 assume the powers and responsibilities only for a limited  
13 period of time. If one or more offers are received by the  
14 county ~~McHenry County~~ on or before 60 days after the date  
15 of dissolution of the dissolving township, the county  
16 board ~~of McHenry County~~ shall select the best offer or  
17 offers that the board determines would be in the best  
18 interest and welfare of the affected resident population.  
19 If no municipality makes an offer or if no satisfactory  
20 offer is made, the powers and duties of the dissolving  
21 township's road district or road districts are retained by  
22 the county ~~McHenry County~~. The municipality that assumes  
23 the powers and duties of the dissolving township's road  
24 district or road districts shall not extend a road  
25 district property tax levy under Division 5 of Article 6  
26 of the Illinois Highway Code that is greater than 90% of

1 the road district property tax levy that was extended by  
2 the county on behalf of the dissolving township's road  
3 district or road districts for the duties taken on by the  
4 municipality.

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

15 (Source: P.A. 101-230, eff. 8-9-19.)

16 Section 20. The Illinois Highway Code is amended by  
17 changing Section 6-140 as follows:

18 (605 ILCS 5/6-140)

19 Sec. 6-140. Abolishing a township road district ~~within~~  
20 ~~Lake County or McHenry County~~ with less than 15 miles of roads.  
21 A ~~Any~~ township ~~in Lake County or McHenry County~~ shall abolish a  
22 road district of that township if the roads of the road  
23 district are less than 15 centerline miles in length, as  
24 determined by the county engineer or county superintendent of

1 highways. A road district is abolished on the expiration of  
2 the term of office of the highway commissioner of the road  
3 district facing abolition following the determination by the  
4 county engineer or county superintendent of highways of the  
5 length, in centerline mileage, of the roads within the road  
6 district to be abolished.

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

20 (Source: P.A. 101-230, eff. 8-9-19.)

21 (605 ILCS 5/6-135 rep.)

22 Section 25. The Illinois Highway Code is amended by  
23 repealing Section 6-135.

24 Section 99. Effective date. This Act takes effect upon  
25 becoming law.