



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4190

by Rep. Steven Reick

SYNOPSIS AS INTRODUCED:

605 ILCS 5/6-134
605 ILCS 5/6-135

Amends the Illinois Highway Code. Provides that before a township may submit a proposition or referendum to abolish a road district under the Code, the township shall prepare, through an independent entity, a cost study demonstrating that the abolishment is cost efficient and that the township is capable of carrying out its required duties and responsibilities on the date of abolishment. Defines "independent entity". Effective January 1, 2019.

LRB100 16143 AXK 31262 b

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Highway Code is amended by changing
5 Sections 6-134 and 6-135 as follows:

6 (605 ILCS 5/6-134)

7 (This Section may contain text from a Public Act with a
8 delayed effective date)

9 Sec. 6-134. Abolishing a road district. In this Section,
10 "independent entity" means a consulting firm with experience in
11 economics and local government finance that does not have an
12 existing agreement for services in the township or with the
13 county in which the township is located. By resolution, the
14 board of trustees of any township located in a county with less
15 than 3,000,000 inhabitants may submit a proposition to abolish
16 the road district of that township to the electors of that
17 township at a general election or consolidated election in
18 accordance with the general election law. The ballot shall be
19 in substantially the following form:

20 -----

21 Shall the Road District of the Township of

1 be abolished with all the rights,
 2 powers, duties, assets, property, liabilities, YES
 3 obligations, and responsibilities being assumed -----
 4 by the Township of ? NO
 5 -----

6 Before a township may submit a proposition to abolish a
 7 road district under this Section, the township shall prepare,
 8 through an independent entity, a cost study demonstrating that
 9 the abolishment is cost efficient and that the township is
 10 capable of carrying out the duties and responsibilities under
 11 this Section on the date of abolishment. If the cost study
 12 finds that the abolishment is not cost efficient or that the
 13 township is not capable of carrying out the duties, or both,
 14 the township may not submit a proposition under this Section.

15 In the event that a majority of the electors voting on such
 16 proposition are in favor thereof, then the road district shall
 17 be abolished by operation of law effective 90 days after vote
 18 certification by the governing election authority or on the
 19 date the term of the highway commissioner in office at the time
 20 the proposition was approved by the electors expires, whichever
 21 is later.

22 On that date, all the rights, powers, duties, assets,
 23 property, liabilities, obligations, and responsibilities of
 24 the road district shall by operation of law vest in and be
 25 assumed by the township. On that date, the township board of

1 trustees shall assume all taxing authority of a road district
2 abolished under this Section. On that date, any highway
3 commissioner of the abolished road district shall cease to hold
4 office, such term having been terminated. Thereafter, the
5 township shall exercise all duties and responsibilities of the
6 highway commissioner as provided in the Illinois Highway Code.
7 The township board of trustees may enter into a contract with
8 the county, a municipality, or a private contractor to
9 administer the roads under its jurisdiction. The township board
10 of trustees shall assume all taxing authority of a township
11 road district abolished under this subsection. For purposes of
12 distribution of revenue, the township shall assume the powers,
13 duties, and obligations of the road district.

14 (Source: P.A. 100-106, eff. 1-1-18.)

15 (605 ILCS 5/6-135)

16 (This Section may contain text from a Public Act with a
17 delayed effective date)

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

20 (a) Any township in a county with a population less than
21 3,000,000 may abolish a road district of that township if the
22 roads of the road district are less than 15 miles in length, as
23 determined by the county engineer or county superintendent of
24 highways, by resolution of a majority of the board of trustees
25 to submit a referendum to abolish the road district of that

1 township. The referendum shall be submitted to the electors of
2 that township at the next general election or consolidated
3 election in accordance with the general election law. The
4 ballot shall be in substantially the following form:

5 -----

6	Shall the Road District of the Township of	
7 be abolished with all the rights,	
8	powers, duties, assets, property, liabilities,	YES
9	obligations, and responsibilities being assumed	-----
10	by the Township of ?	NO

11 -----

12 (a-5) Before a township may submit a referendum to abolish
13 a road district under subsection (a), the township shall
14 prepare, through an independent entity, a cost study
15 demonstrating that the abolishment is cost efficient and that
16 the township is capable of carrying out the duties and
17 responsibilities under subsection (b) on the date of
18 abolishment. If the cost study finds that the abolishment is
19 not cost efficient or that the township is not capable of
20 carrying out the duties and responsibilities, or both, the
21 township may not submit a referendum under subsection (a). For
22 purposes of this subsection, "independent entity" means a
23 consulting firm with experience in economics and local
24 government finance that does not have an existing agreement for
25 services in the township or with the county in which the
26 township is located.

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

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

22 (Source: P.A. 100-107, eff. 1-1-18.)

23 Section 95. No acceleration or delay. Where this Act makes
24 changes in a statute that is represented in this Act by text
25 that is not yet or no longer in effect (for example, a Section

1 represented by multiple versions), the use of that text does
2 not accelerate or delay the taking effect of (i) the changes
3 made by this Act or (ii) provisions derived from any other
4 Public Act.

5 Section 99. Effective date. This Act takes effect January
6 1, 2019.