

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 If a township is dissolved under Article 24 of the
20 Township Code, McHenry County shall receive any moneys that
21 would have been distributed to the township under this
22 subparagraph, except that a municipality that assumes the
23 powers and responsibilities of a road district under
24 paragraph (6) of Section 24-35 of the Township Code shall
25 receive any moneys that would have been distributed to the
26 township in a percent equal to the area of the dissolved

1 road district or portion of the dissolved road district
2 over which the municipality assumed the powers and
3 responsibilities compared to the total area of the
4 dissolved township. The moneys received under this
5 subparagraph shall be used in the geographic area of the
6 dissolved township. If a township is reconstituted as
7 provided under Section 24-45 of the Township Code, McHenry
8 County or a municipality shall no longer be distributed
9 moneys under this subparagraph.

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

1 municipal census used in accordance with this Section shall be
2 certified to the Department of Transportation by the clerk of
3 such municipality, and the accuracy thereof shall be subject to
4 approval of the Department which may make such corrections as
5 it ascertains to be necessary.

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

21 As soon as may be after the first day of each month, the
22 Department of Transportation shall allot to the several
23 counties their share of the amount apportioned for the use of
24 road districts. The allotment shall be apportioned among the
25 several counties in the State in the proportion which the total
26 mileage of township or district roads in the respective

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

1 district shall be a percentage of the maximum allocation equal
2 to the percentage obtained by dividing the rate extended by the
3 district by 0.08%. In DuPage County, if the amount of the tax
4 levy requires the extension of the tax against the taxable
5 property in the road district at a rate that is less than the
6 lesser of (i) 0.08% of the value of the taxable property in the
7 road district, 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 (ii) a rate that
10 will yield an amount equal to \$12,000 per mile of road under
11 the jurisdiction of the road district, then the amount of the
12 allocation for the road district shall be a percentage of the
13 maximum allocation equal to the percentage obtained by dividing
14 the rate extended by the district by the lesser of (i) 0.08% or
15 (ii) the rate that will yield an amount equal to \$12,000 per
16 mile of road under the jurisdiction of the road district.

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

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

25 Prior to 2011, if a township has transferred to the road
26 and bridge fund money which, when added to the amount of any

1 tax levy of the road district would be the equivalent of a tax
2 levy requiring extension at a rate of at least .08%, or, in
3 DuPage County, an amount equal to or greater than \$12,000 per
4 mile of road under the jurisdiction of the road district,
5 whichever is less, such transfer, together with any such tax
6 levy, shall be deemed a proper compliance with this Section and
7 shall qualify the road district for an allotment under this
8 Section.

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

1 equal to or greater than \$12,000 per mile of road under the
2 jurisdiction of the road district, whichever is less.

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

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

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

22 Section 15. The Counties Code is amended by adding Section
23 5-1184 as follows:

24 (55 ILCS 5/5-1184 new)

1 Sec. 5-1184. Dissolution of townships in McHenry County. If
2 a township in McHenry County dissolves as provided in Article
3 24 of the Township Code, McHenry County shall assume the
4 powers, duties, and obligations of each dissolved township as
5 provided in Article 24 of the Township Code.

6 Section 20. The Township Code is amended by adding Article
7 24 as follows:

8 (60 ILCS 1/Art. 24 heading new)

9 ARTICLE 24. DISSOLUTION OF
10 TOWNSHIPS IN MCHENRY COUNTY

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

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

23 (c) If a valid petition is filed under subsection (a), then
24 the McHenry County Clerk shall, by publication in one or more
25 newspapers of general circulation within the county and on the
26 county's website, not less than 90 days prior to the election

1 at which the referendum is to be voted on, give notice in
2 substantially the following form:

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

11 (60 ILCS 1/24-25 new)

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

16 (60 ILCS 1/24-30 new)

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

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

9 -----

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

13 (60 ILCS 1/24-35 new)

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 McHenry County. All funds of the dissolved township and
23 dissolved road districts shall be used solely on behalf of
24 the residents of the geographic area within the boundaries
25 of the dissolved township.

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

10 (2) On the date of dissolution, the dissolving township
11 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 McHenry County Board solely on behalf of the residents
15 of the geographic area within the boundaries of the
16 dissolved township. The duties that may be exercised by the
17 county include, but are not limited to, the administration
18 of a dissolved township's general assistance program,
19 maintenance and operation of a dissolved township's
20 cemeteries, and the Chief County Assessment officer of
21 McHenry County exercising the duties of the township
22 assessor.

23 (4) The McHenry County Board shall not extend a
24 property tax levy that is greater than 90% of the property
25 tax levy extended by the dissolved township or road
26 districts for the duties taken on by McHenry County. This

1 property tax levy may not be extended outside the
2 boundaries of the dissolved township. In all subsequent
3 years, this levy shall be bound by the provisions of the
4 Property Tax Extension Limitation Law.

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

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

22 (6) The county board of McHenry County shall give
23 written notice to each municipality whose governing board
24 meets within the boundaries of a dissolving township that
25 the municipality may make an offer, on or before 60 days
26 after the date of dissolution of the dissolving township,

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

1 taken on by the municipality.

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

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

14 (605 ILCS 5/6-140 new)

15 Sec. 6-140. Abolishing a road district within Lake County
16 or McHenry County with less than 15 miles of roads. Any
17 township in Lake County or McHenry County shall abolish a road
18 district of that township if the roads of the road district are
19 less than 15 centerline miles in length, as determined by the
20 county engineer or county superintendent of highways. A road
21 district is abolished on the expiration of the term of office
22 of the highway commissioner of the road district facing
23 abolition following the determination by the county engineer or
24 county superintendent of highways of the length, in centerline

1 mileage, of the roads within the road district to be abolished.

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

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