



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4496

Introduced 2/4/2020, by Rep. Dan Ugaste

SYNOPSIS AS INTRODUCED:

35 ILCS 505/8 from Ch. 120, par. 424
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. Changes the Article to apply to all counties under township organizations. Amends 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 less than 15 miles of roads to require all townships to abolish such road districts. Repeals a Section allowing abolition of road districts of less than 15 miles of roads. Effective immediately.

LRB101 17532 AWJ 66948 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, Section
9 13a.6, and items 13, 14, 15, and 16 of Section 15, all money
10 received by the Department under this Act, including payments
11 made to the Department by member jurisdictions participating in
12 the International Fuel Tax Agreement, shall be deposited in a
13 special fund in the State treasury, to be known as the "Motor
14 Fuel Tax Fund", and shall be used as follows:

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

21 (a-1) Beginning on July 1, 2019, an amount equal to the
22 amount of tax collected under subsection (a) of Section 2 as a
23 result of the increase in the tax rate under Public Act 101-32

1 ~~this amendatory Act of the 101st General Assembly~~ shall be
2 transferred each month into the Transportation Renewal Fund;~~:-~~

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

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

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

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

11 (d) of the amount remaining after allocations provided for
12 in subsections (a), (a-1), (b)1 and (c), a sufficient amount
13 shall be reserved to pay all of the following:

14 (1) the costs of the Department of Revenue in
15 administering this Act;

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

20 (3) refunds provided for in Section 13, refunds for
21 overpayment of decal fees paid under Section 13a.4 of this
22 Act, and refunds provided for under the terms of the
23 International Fuel Tax Agreement referenced in Section
24 14a;

25 (4) from October 1, 1985 until June 30, 1994, the
26 administration of the Vehicle Emissions Inspection Law,

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

20 (4.5) beginning on July 1, 2019, the costs of the
21 Environmental Protection Agency for the administration of
22 the Vehicle Emissions Inspection Law of 2005 shall be paid,
23 subject to appropriation, from the Motor Fuel Tax Fund into
24 the Vehicle Inspection Fund; beginning in 2019, no later
25 than December 31 of each year, or as soon thereafter as
26 practical, the State Comptroller shall direct and the State

1 Treasurer shall transfer from the Vehicle Inspection Fund
2 to the Motor Fuel Tax Fund any balance remaining in the
3 Vehicle Inspection Fund in excess of \$2,000,000;

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

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

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

15 (1) Until January 1, 2000, 58.4%, and beginning January
16 1, 2000, 45.6% shall be deposited as follows:

17 (A) 37% into the State Construction Account Fund,
18 and

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

24 (2) Until January 1, 2000, 41.6%, and beginning January
25 1, 2000, 54.4% shall be transferred to the Department of
26 Transportation to be distributed as follows:

- 1 (A) 49.10% to the municipalities of the State,
2 (B) 16.74% to the counties of the State having
3 1,000,000 or more inhabitants,
4 (C) 18.27% to the counties of the State having less
5 than 1,000,000 inhabitants,
6 (D) 15.89% to the road districts of the State.

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

25 As soon as may be after the first day of each month, the
26 Department of Transportation shall allot to each municipality

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

21 As soon as may be after the first day of each month, the
22 Department of Transportation shall allot to each county its
23 share of the amount apportioned to the several counties of the
24 State as herein provided. Each allotment to the several
25 counties having less than 1,000,000 inhabitants shall be in
26 proportion to the amount of motor vehicle license fees received

1 from the residents of such counties, respectively, during the
2 preceding calendar year. The Secretary of State shall, on or
3 before April 15 of each year, transmit to the Department of
4 Transportation a full and complete report showing the amount of
5 motor vehicle license fees received from the residents of each
6 county, respectively, during the preceding calendar year. The
7 Department of Transportation shall, each month, use for
8 allotment purposes the last such report received from the
9 Secretary of State.

10 As soon as may be after the first day of each month, the
11 Department of Transportation shall allot to the several
12 counties their share of the amount apportioned for the use of
13 road districts. The allotment shall be apportioned among the
14 several counties in the State in the proportion which the total
15 mileage of township or district roads in the respective
16 counties bears to the total mileage of all township and
17 district roads in the State. Funds allotted to the respective
18 counties for the use of road districts therein shall be
19 allocated to the several road districts in the county in the
20 proportion which the total mileage of such township or district
21 roads in the respective road districts bears to the total
22 mileage of all such township or district roads in the county.
23 After July 1 of any year prior to 2011, no allocation shall be
24 made for any road district unless it levied a tax for road and
25 bridge purposes in an amount which will require the extension
26 of such tax against the taxable property in any such road

1 district at a rate of not less than either .08% of the value
2 thereof, based upon the assessment for the year immediately
3 prior to the year in which such tax was levied and as equalized
4 by the Department of Revenue or, in DuPage County, an amount
5 equal to or greater than \$12,000 per mile of road under the
6 jurisdiction of the road district, whichever is less. Beginning
7 July 1, 2011 and each July 1 thereafter, an allocation shall be
8 made for any road district if it levied a tax for road and
9 bridge purposes. In counties other than DuPage County, if the
10 amount of the tax levy requires the extension of the tax
11 against the taxable property in the road district at a rate
12 that is less than 0.08% of the value thereof, based upon the
13 assessment for the year immediately prior to the year in which
14 the tax was levied and as equalized by the Department of
15 Revenue, then the amount of the allocation for that road
16 district shall be a percentage of the maximum allocation equal
17 to the percentage obtained by dividing the rate extended by the
18 district by 0.08%. In DuPage County, if the amount of the tax
19 levy requires the extension of the tax against the taxable
20 property in the road district at a rate that is less than the
21 lesser of (i) 0.08% of the value of the taxable property in the
22 road district, based upon the assessment for the year
23 immediately prior to the year in which such tax was levied and
24 as equalized by the Department of Revenue, or (ii) a rate that
25 will yield an amount equal to \$12,000 per mile of road under
26 the jurisdiction of the road district, then the amount of the

1 allocation for the road district shall be a percentage of the
2 maximum allocation equal to the percentage obtained by dividing
3 the rate extended by the district by the lesser of (i) 0.08% or
4 (ii) the rate that will yield an amount equal to \$12,000 per
5 mile of road under the jurisdiction of the road district.

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

1 district for a full, rather than proportionate, allotment under
2 this Section. If the levy for the special tax is less than
3 0.08% of the value of the taxable property, or, in DuPage
4 County if the levy for the special tax is less than the lesser
5 of (i) 0.08% or (ii) \$12,000 per mile of road under the
6 jurisdiction of the road district, and if the levy for the
7 special tax is more than any other levy for road and bridge
8 purposes, then the levy for the special tax qualifies the road
9 district for a proportionate, rather than full, allotment under
10 this Section. If the levy for the special tax is equal to or
11 less than any other levy for road and bridge purposes, then any
12 allotment under this Section shall be determined by the other
13 levy for road and bridge purposes.

14 Prior to 2011, if a township has transferred to the road
15 and bridge fund money which, when added to the amount of any
16 tax levy of the road district would be the equivalent of a tax
17 levy requiring extension at a rate of at least .08%, 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 transfer, together with any such tax
21 levy, shall be deemed a proper compliance with this Section and
22 shall qualify the road district for an allotment under this
23 Section.

24 In counties in which a property tax extension limitation is
25 imposed under the Property Tax Extension Limitation Law, road
26 districts may retain their entitlement to a motor fuel tax

1 allotment or, beginning in 2011, their entitlement to a full
2 allotment if, at the time the property tax extension limitation
3 was imposed, the road district was levying a road and bridge
4 tax at a rate sufficient to entitle it to a motor fuel tax
5 allotment and continues to levy the maximum allowable amount
6 after the imposition of the property tax extension limitation.
7 Any road district may in all circumstances retain its
8 entitlement to a motor fuel tax allotment or, beginning in
9 2011, its entitlement to a full allotment if it levied a road
10 and bridge tax in an amount that will require the extension of
11 the tax against the taxable property in the road district at a
12 rate of not less than 0.08% of the assessed value of the
13 property, based upon the assessment for the year immediately
14 preceding the year in which the 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.

18 As used in this Section, the term "road district" means any
19 road district, including a county unit road district, provided
20 for by the Illinois Highway Code; and the term "township or
21 district road" means any road in the township and district road
22 system as defined in the Illinois Highway Code. For the
23 purposes of this Section, "township or district road" also
24 includes such roads as are maintained by park districts, forest
25 preserve districts and conservation districts. The Department
26 of Transportation shall determine the mileage of all township

1 and district roads for the purposes of making allotments and
2 allocations of motor fuel tax funds for use in road districts.

3 Payment of motor fuel tax moneys to municipalities and
4 counties shall be made as soon as possible after the allotment
5 is made. The treasurer of the municipality or county may invest
6 these funds until their use is required and the interest earned
7 by these investments shall be limited to the same uses as the
8 principal funds.

9 (Source: P.A. 101-32, eff. 6-28-19; 101-230, eff. 8-9-19;
10 101-493, eff. 8-23-19; revised 9-24-19.)

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

14 (60 ILCS 1/Art. 24 heading)

15 ARTICLE 24. DISSOLUTION OF
16 TOWNSHIPS ~~IN MCHENRY COUNTY~~

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

18 (60 ILCS 1/24-10)

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

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

1 (60 ILCS 1/24-15)

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

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

9 (60 ILCS 1/24-20)

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

11 (a) Subject to the petition requirements of Section 28-3 of
12 the Election Code, petitions for a referendum to dissolve a
13 township ~~located in McHenry County~~ must be filed with the
14 governing board of the township, the county board ~~of McHenry~~
15 ~~County~~, and the county clerk ~~McHenry County Clerk~~ not less than
16 122 days prior to any election held throughout the township.
17 Petitions must include:

18 (1) the name of the dissolving township;

19 (2) the date of dissolution; and

20 (3) signatures of a number of electors as follows: (A)
21 for any township, the number of signatures shall be the
22 larger of (i) 5% of the total ballots cast in the township
23 in the immediately preceding election that is of an
24 election type comparable to the election for which the
25 petition is being filed, or (ii) 250 signatures. All

1 signatures gathered under this paragraph (3) must be signed
2 within 180 days prior to the filing of a petition.

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

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

12 NOTICE OF PETITION TO DISSOLVE (dissolving township).
13 Residents of (dissolving township) and (county name)
14 ~~McHenry County~~ are notified that a petition has been filed
15 with (dissolving township) and (county name) ~~McHenry~~
16 ~~County~~ requesting a referendum to dissolve (dissolving
17 township) on (date of dissolution) with all real and
18 personal property, and any other assets, together with all
19 personnel, contractual obligations, and liabilities being
20 transferred to (county name) ~~McHenry County~~.

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

22 (60 ILCS 1/24-30)

23 Sec. 24-30. Referendum; voting.

24 (a) Subject to the requirements of Section 16-7 of the

1 Election Code, the referendum described in Section 24-25 shall
2 be in substantially the following form on the ballot:

3 -----

4 Shall the (dissolving
5 township), together with any road
6 districts wholly within the YES
7 boundaries of (dissolving
8 township), be dissolved on (date -----
9 of dissolution) with all of
10 the township and road district
11 property, assets, personnel, NO
12 obligations, and liabilities being
13 transferred to (county name) ~~McHenry County~~?

14 -----

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

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

19 (60 ILCS 1/24-35)

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

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

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

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

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

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

1 or county supervisor of assessments ~~Chief County~~
2 ~~Assessment officer of McHenry County~~ exercising the duties
3 of the township assessor.

4 (4) The county board ~~McHenry County Board~~ shall not
5 extend a property tax levy that is greater than 90% of the
6 property tax levy extended by the dissolved township or
7 road districts for the duties taken on by the county
8 ~~McHenry County~~. This property tax levy may not be extended
9 outside the boundaries of the dissolved township. In all
10 subsequent years, this levy shall be bound by the
11 provisions of the 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 the county ~~McHenry County~~ except as provided in paragraph
3 (6).

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

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

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

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

21 Section 15. The Illinois Highway Code is amended by
22 changing Section 6-140 as follows:

23 (605 ILCS 5/6-140)

24 Sec. 6-140. Abolishing a township road district ~~within Lake~~

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

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

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

1 (605 ILCS 5/6-135 rep.)

2 Section 20. The Illinois Highway Code is amended by
3 repealing Section 6-135.

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