



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3599

Introduced 2/22/2021, by Rep. Dan Ugaste

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 14049 AWJ 19401 b

FISCAL NOTE ACT
MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

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.