

# HB4828



## 102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4828

Introduced 1/27/2022, by Rep. Suzanne Ness

### SYNOPSIS AS INTRODUCED:

10 ILCS 5/28-7	from Ch. 46, par. 28-7
35 ILCS 505/8	from Ch. 120, par. 424
55 ILCS 5/5-1185 rep.	
60 ILCS 1/Art. 24 rep.	

Repeals the Dissolution of Townships in McHenry County Article of the Township Code. Amends the Election Code, Motor Fuel Tax Law, and the Counties Code making conforming changes.

LRB102 24424 AWJ 33658 b

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 Election Code is amended by changing  
5 Section 28-7 as follows:

6 (10 ILCS 5/28-7) (from Ch. 46, par. 28-7)

7 Sec. 28-7. ~~In~~ ~~Except as provided in Article 24 of the~~  
8 ~~Township Code,~~ in any case in which Article VII or paragraph  
9 (a) of Section 5 of the Transition Schedule of the  
10 Constitution authorizes any action to be taken by or with  
11 respect to any unit of local government, as defined in Section  
12 1 of Article VII of the Constitution, by or subject to approval  
13 by referendum, any such public question shall be initiated in  
14 accordance with this Section.

15 Any such public question may be initiated by the governing  
16 body of the unit of local government by resolution or by the  
17 filing with the clerk or secretary of the governmental unit of  
18 a petition signed by a number of qualified electors equal to or  
19 greater than at least 8% of the total votes cast for candidates  
20 for Governor in the preceding gubernatorial election,  
21 requesting the submission of the proposal for such action to  
22 the voters of the governmental unit at a regular election.

23 If the action to be taken requires a referendum involving

1 2 or more units of local government, the proposal shall be  
2 submitted to the voters of such governmental units by the  
3 election authorities with jurisdiction over the territory of  
4 the governmental units. Such multi-unit proposals may be  
5 initiated by appropriate resolutions by the respective  
6 governing bodies or by petitions of the voters of the several  
7 governmental units filed with the respective clerks or  
8 secretaries.

9 This Section is intended to provide a method of submission  
10 to referendum in all cases of proposals for actions which are  
11 authorized by Article VII of the Constitution by or subject to  
12 approval by referendum and supersedes any conflicting  
13 statutory provisions, except those contained in Division 2-5  
14 of the Counties Code or Article 24 of the Township Code.

15 Referenda provided for in this Section may not be held  
16 more than once in any 23-month period on the same proposition,  
17 provided that in any municipality a referendum to elect not to  
18 be a home rule unit may be held only once within any 47-month  
19 period.

20 (Source: P.A. 100-863, eff. 8-14-18; 101-230, eff. 8-9-19.)

21 Section 10. The Motor Fuel Tax Law is amended by changing  
22 Section 8 as follows:

23 (35 ILCS 505/8) (from Ch. 120, par. 424)

24 Sec. 8. Except as provided in subsection (a-1) of this

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

9 (a) 2 1/2 cents per gallon of the tax collected on special  
10 fuel under paragraph (b) of Section 2 and Section 13a of this  
11 Act shall be transferred to the State Construction Account  
12 Fund in the State Treasury; the remainder of the tax collected  
13 on special fuel under paragraph (b) of Section 2 and Section  
14 13a of this Act shall be deposited into the Road Fund;

15 (a-1) Beginning on July 1, 2019, an amount equal to the  
16 amount of tax collected under subsection (a) of Section 2 as a  
17 result of the increase in the tax rate under Public Act 101-32  
18 shall be transferred each month into the Transportation  
19 Renewal Fund;

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

24 (c) \$3,500,000 shall be transferred each month to the  
25 Grade Crossing Protection Fund to be used as follows: not less  
26 than \$12,000,000 each fiscal year shall be used for the

1 construction or reconstruction of rail highway grade  
2 separation structures; \$2,250,000 in fiscal years 2004 through  
3 2009 and \$3,000,000 in fiscal year 2010 and each fiscal year  
4 thereafter shall be transferred to the Transportation  
5 Regulatory Fund and shall be accounted for as part of the rail  
6 carrier portion of such funds and shall be used to pay the cost  
7 of administration of the Illinois Commerce Commission's  
8 railroad safety program in connection with its duties under  
9 subsection (3) of Section 18c-7401 of the Illinois Vehicle  
10 Code, with the remainder to be used by the Department of  
11 Transportation upon order of the Illinois Commerce Commission,  
12 to pay that part of the cost apportioned by such Commission to  
13 the State to cover the interest of the public in the use of  
14 highways, roads, streets, or pedestrian walkways in the county  
15 highway system, township and district road system, or  
16 municipal street system as defined in the Illinois Highway  
17 Code, as the same may from time to time be amended, for  
18 separation of grades, for installation, construction or  
19 reconstruction of crossing protection or reconstruction,  
20 alteration, relocation including construction or improvement  
21 of any existing highway necessary for access to property or  
22 improvement of any grade crossing and grade crossing surface  
23 including the necessary highway approaches thereto of any  
24 railroad across the highway or public road, or for the  
25 installation, construction, reconstruction, or maintenance of  
26 safety treatments to deter trespassing or a pedestrian walkway

1 over or under a railroad right-of-way, as provided for in and  
2 in accordance with Section 18c-7401 of the Illinois Vehicle  
3 Code. The Commission may order up to \$2,000,000 per year in  
4 Grade Crossing Protection Fund moneys for the improvement of  
5 grade crossing surfaces and up to \$300,000 per year for the  
6 maintenance and renewal of 4-quadrant gate vehicle detection  
7 systems located at non-high speed rail grade crossings. In  
8 entering orders for projects for which payments from the Grade  
9 Crossing Protection Fund will be made, the Commission shall  
10 account for expenditures authorized by the orders on a cash  
11 rather than an accrual basis. For purposes of this requirement  
12 an "accrual basis" assumes that the total cost of the project  
13 is expended in the fiscal year in which the order is entered,  
14 while a "cash basis" allocates the cost of the project among  
15 fiscal years as expenditures are actually made. To meet the  
16 requirements of this subsection, the Illinois Commerce  
17 Commission shall develop annual and 5-year project plans of  
18 rail crossing capital improvements that will be paid for with  
19 moneys from the Grade Crossing Protection Fund. The annual  
20 project plan shall identify projects for the succeeding fiscal  
21 year and the 5-year project plan shall identify projects for  
22 the 5 directly succeeding fiscal years. The Commission shall  
23 submit the annual and 5-year project plans for this Fund to the  
24 Governor, the President of the Senate, the Senate Minority  
25 Leader, the Speaker of the House of Representatives, and the  
26 Minority Leader of the House of Representatives on the first

1 Wednesday in April of each year;

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

5 (1) the costs of the Department of Revenue in  
6 administering this Act;

7 (2) the costs of the Department of Transportation in  
8 performing its duties imposed by the Illinois Highway Code  
9 for supervising the use of motor fuel tax funds  
10 apportioned to municipalities, counties and road  
11 districts;

12 (3) refunds provided for in Section 13, refunds for  
13 overpayment of decal fees paid under Section 13a.4 of this  
14 Act, and refunds provided for under the terms of the  
15 International Fuel Tax Agreement referenced in Section  
16 14a;

17 (4) from October 1, 1985 until June 30, 1994, the  
18 administration of the Vehicle Emissions Inspection Law,  
19 which amount shall be certified monthly by the  
20 Environmental Protection Agency to the State Comptroller  
21 and shall promptly be transferred by the State Comptroller  
22 and Treasurer from the Motor Fuel Tax Fund to the Vehicle  
23 Inspection Fund, and for the period July 1, 1994 through  
24 June 30, 2000, one-twelfth of \$25,000,000 each month, for  
25 the period July 1, 2000 through June 30, 2003, one-twelfth  
26 of \$30,000,000 each month, and \$15,000,000 on July 1,

1           2003, and \$15,000,000 on January 1, 2004, and \$15,000,000  
2           on each July 1 and October 1, or as soon thereafter as may  
3           be practical, during the period July 1, 2004 through June  
4           30, 2012, and \$30,000,000 on June 1, 2013, or as soon  
5           thereafter as may be practical, and \$15,000,000 on July 1  
6           and October 1, or as soon thereafter as may be practical,  
7           during the period of July 1, 2013 through June 30, 2015,  
8           for the administration of the Vehicle Emissions Inspection  
9           Law of 2005, to be transferred by the State Comptroller  
10          and Treasurer from the Motor Fuel Tax Fund into the  
11          Vehicle Inspection Fund;

12           (4.5) beginning on July 1, 2019, the costs of the  
13          Environmental Protection Agency for the administration of  
14          the Vehicle Emissions Inspection Law of 2005 shall be  
15          paid, subject to appropriation, from the Motor Fuel Tax  
16          Fund into the Vehicle Inspection Fund; beginning in 2019,  
17          no later than December 31 of each year, or as soon  
18          thereafter as practical, the State Comptroller shall  
19          direct and the State Treasurer shall transfer from the  
20          Vehicle Inspection Fund to the Motor Fuel Tax Fund any  
21          balance remaining in the Vehicle Inspection Fund in excess  
22          of \$2,000,000;

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

24           (6) payment of motor fuel use taxes due to member  
25          jurisdictions under the terms of the International Fuel  
26          Tax Agreement. The Department shall certify these amounts



1 to the Comptroller by the 15th day of each month; the  
2 Comptroller shall cause orders to be drawn for such  
3 amounts, and the Treasurer shall administer those amounts  
4 on or before the last day of each month;

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

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

10 (A) 37% into the State Construction Account Fund,  
11 and

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

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

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

21 (B) 16.74% to the counties of the State having  
22 1,000,000 or more inhabitants,

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

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

26 ~~If a township is dissolved under Article 24 of the~~

~~Township Code, McHenry County shall receive any moneys that would have been distributed to the township under this subparagraph, except that a municipality that assumes the powers and responsibilities of a road district under paragraph (6) of Section 24-35 of the Township Code shall receive any moneys that would have been distributed to the township in a percent equal to the area of the dissolved road district or portion of the dissolved road district over which the municipality assumed the powers and responsibilities compared to the total area of the dissolved township. The moneys received under this subparagraph shall be used in the geographic area of the dissolved township. If a township is reconstituted as provided under Section 24-45 of the Township Code, McHenry County or a municipality shall no longer be distributed moneys under this subparagraph.~~

As soon as may be after the first day of each month, the Department of Transportation shall allot to each municipality its share of the amount apportioned to the several municipalities which shall be in proportion to the population of such municipalities as determined by the last preceding municipal census if conducted by the Federal Government or Federal census. If territory is annexed to any municipality subsequent to the time of the last preceding census the corporate authorities of such municipality may cause a census to be taken of such annexed territory and the population so

1     ascertained for such territory shall be added to the  
2     population of the municipality as determined by the last  
3     preceding census for the purpose of determining the allotment  
4     for that municipality. If the population of any municipality  
5     was not determined by the last Federal census preceding any  
6     apportionment, the apportionment to such municipality shall be  
7     in accordance with any census taken by such municipality. Any  
8     municipal census used in accordance with this Section shall be  
9     certified to the Department of Transportation by the clerk of  
10    such municipality, and the accuracy thereof shall be subject  
11    to approval of the Department which may make such corrections  
12    as it ascertains to be necessary.

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

1 report received from the Secretary of State.

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

1 tax for road and bridge purposes. In counties other than  
2 DuPage County, if the amount of the tax levy requires the  
3 extension of the tax against the taxable property in the road  
4 district at a rate that is less than 0.08% of the value  
5 thereof, based upon the assessment for the year immediately  
6 prior to the year in which the tax was levied and as equalized  
7 by the Department of Revenue, then the amount of the  
8 allocation for that road district shall be a percentage of the  
9 maximum allocation equal to the percentage obtained by  
10 dividing the rate extended by the district by 0.08%. In DuPage  
11 County, if the amount of the tax levy requires the extension of  
12 the tax against the taxable property in the road district at a  
13 rate that is less than the lesser of (i) 0.08% of the value of  
14 the taxable property in the road district, based upon the  
15 assessment for the year immediately prior to the year in which  
16 such tax was levied and as equalized by the Department of  
17 Revenue, or (ii) a rate that will yield an amount equal to  
18 \$12,000 per mile of road under the jurisdiction of the road  
19 district, then the amount of the allocation for the road  
20 district shall be a percentage of the maximum allocation equal  
21 to the percentage obtained by dividing the rate extended by  
22 the district by the lesser of (i) 0.08% or (ii) the rate that  
23 will yield an amount equal to \$12,000 per mile of road under  
24 the jurisdiction of the road district.

25 Prior to 2011, if any road district has levied a special  
26 tax for road purposes pursuant to Sections 6-601, 6-602, and

1 6-603 of the Illinois Highway Code, and such tax was levied in  
2 an amount which would require extension at a rate of not less  
3 than .08% of the value of the taxable property thereof, as  
4 equalized or assessed by the Department of Revenue, or, in  
5 DuPage County, an amount equal to or greater than \$12,000 per  
6 mile of road under the jurisdiction of the road district,  
7 whichever is less, such levy shall, however, be deemed a  
8 proper compliance with this Section and shall qualify such  
9 road district for an allotment under this Section. Beginning  
10 in 2011 and thereafter, if any road district has levied a  
11 special tax for road purposes under Sections 6-601, 6-602, and  
12 6-603 of the Illinois Highway Code, and the tax was levied in  
13 an amount that would require extension at a rate of not less  
14 than 0.08% of the value of the taxable property of that road  
15 district, as equalized or assessed by the Department of  
16 Revenue or, in DuPage County, an amount equal to or greater  
17 than \$12,000 per mile of road under the jurisdiction of the  
18 road district, whichever is less, that levy shall be deemed a  
19 proper compliance with this Section and shall qualify such  
20 road district for a full, rather than proportionate, allotment  
21 under this Section. If the levy for the special tax is less  
22 than 0.08% of the value of the taxable property, or, in DuPage  
23 County if the levy for the special tax is less than the lesser  
24 of (i) 0.08% or (ii) \$12,000 per mile of road under the  
25 jurisdiction of the road district, and if the levy for the  
26 special tax is more than any other levy for road and bridge

1 purposes, then the levy for the special tax qualifies the road  
2 district for a proportionate, rather than full, allotment  
3 under this Section. If the levy for the special tax is equal to  
4 or less than any other levy for road and bridge purposes, then  
5 any allotment under this Section shall be determined by the  
6 other levy for road and bridge purposes.

7 Prior to 2011, if a township has transferred to the road  
8 and bridge fund money which, when added to the amount of any  
9 tax levy of the road district would be the equivalent of a tax  
10 levy requiring extension at a rate of at least .08%, or, in  
11 DuPage County, an amount equal to or greater than \$12,000 per  
12 mile of road under the jurisdiction of the road district,  
13 whichever is less, such transfer, together with any such tax  
14 levy, shall be deemed a proper compliance with this Section  
15 and shall qualify the road district for an allotment under  
16 this Section.

17 In counties in which a property tax extension limitation  
18 is imposed under the Property Tax Extension Limitation Law,  
19 road districts may retain their entitlement to a motor fuel  
20 tax allotment or, beginning in 2011, their entitlement to a  
21 full allotment if, at the time the property tax extension  
22 limitation was imposed, the road district was levying a road  
23 and bridge tax at a rate sufficient to entitle it to a motor  
24 fuel tax allotment and continues to levy the maximum allowable  
25 amount after the imposition of the property tax extension  
26 limitation. Any road district may in all circumstances retain

1 its entitlement to a motor fuel tax allotment or, beginning in  
2 2011, its entitlement to a full allotment if it levied a road  
3 and bridge tax in an amount that will require the extension of  
4 the tax against the taxable property in the road district at a  
5 rate of not less than 0.08% of the assessed value of the  
6 property, based upon the assessment for the year immediately  
7 preceding the year in which the tax was levied and as equalized  
8 by the Department of Revenue or, in DuPage County, an amount  
9 equal to or greater than \$12,000 per mile of road under the  
10 jurisdiction of the road district, whichever is less.

11 As used in this Section, the term "road district" means  
12 any road district, including a county unit road district,  
13 provided for by the Illinois Highway Code; and the term  
14 "township or district road" means any road in the township and  
15 district road system as defined in the Illinois Highway Code.  
16 For the purposes of this Section, "township or district road"  
17 also includes such roads as are maintained by park districts,  
18 forest preserve districts and conservation districts. The  
19 Department of Transportation shall determine the mileage of  
20 all township and district roads for the purposes of making  
21 allotments and allocations of motor fuel tax funds for use in  
22 road districts.

23 Payment of motor fuel tax moneys to municipalities and  
24 counties shall be made as soon as possible after the allotment  
25 is made. The treasurer of the municipality or county may  
26 invest these funds until their use is required and the



1 interest earned by these investments shall be limited to the  
2 same uses as the principal funds.

3 (Source: P.A. 101-32, eff. 6-28-19; 101-230, eff. 8-9-19;  
4 101-493, eff. 8-23-19; 102-16, eff. 6-17-21; 102-558, eff.  
5 8-20-21.)

6 (55 ILCS 5/5-1185 rep.)

7 Section 15. The Counties Code is amended by repealing  
8 Section 5-1185.

9 (60 ILCS 1/Art. 24 rep.)

10 Section 20. The Township Code is amended by repealing  
11 Article 24.