



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB2598

Introduced 10/9/2013, by Sen. Pamela J. Althoff

SYNOPSIS AS INTRODUCED:

605 ILCS 5/6-501

from Ch. 121, par. 6-501

Amends the Illinois Highway Code. Reinstates the ability of road districts and consolidated road districts within counties adjacent to a county with a population of 3,000,000 or more to accumulate up to 50% of the taxes collected for road purposes from a subdivision whose plats were filed or recorded before July 23, 1959. Provides that these accumulated funds may be used for improvement of nondedicated roads within that subdivision, at which point the nondedicated roads will become a part of the township and district road system if those roads also meet criteria established by the counties in which the roads are located. Provides that the total accumulations may not exceed 10% of the total funds held by the road district for road purposes. Effective immediately.

LRB098 13500 MLW 48023 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Highway Code is amended by changing
5 Section 6-501 as follows:

6 (605 ILCS 5/6-501) (from Ch. 121, par. 6-501)

7 Sec. 6-501. (a) Findings and purpose. The General Assembly
8 finds:

9 (1) That the financial conditions of the Township and
10 District road systems of the State of Illinois have
11 suffered adversely as a result of changes in law concerning
12 assessed valuation of property for tax purposes. That as a
13 result of the changes beginning in 1945, the rates of
14 permissible levy were first halved to accommodate full fair
15 value, but never restored when subsequent law change
16 established the legal assessed valuation at 50% of fair
17 market value as equalized by the Department of Revenue.

18 (2) Townships and district road systems, as a result of
19 the decreased financial support, have suffered a decline in
20 ability to maintain or improve roads and bridges in a safe
21 condition to permit the normal and ordinary use of its
22 highway system. In many instances bridges have been closed
23 and detours required because of impossible road conditions

1 resulting in hardships for school districts in
2 transporting pupils and for farms in moving products to
3 market.

4 (3) Further, cost for maintenance and improvements
5 have risen faster than the valuations of property, the base
6 of financial support.

7 (4) To solve these problems, this Act makes changes in
8 rates of taxation -- returning Townships and District road
9 systems to their approximate financial viability prior to
10 1945.

11 (b) The highway commissioner for each road district in each
12 county not under township organization shall on or before the
13 third Tuesday in December of each year determine and certify to
14 the county board the amount necessary to be raised by taxation
15 for road purposes and for the salaries of elected road district
16 officials in the road district.

17 Should any highway commissioner during the last year of his
18 term of office for any reason not file the certificate in the
19 office of the county clerk, as required by this Section, in
20 time for presentation to the regular September meeting of the
21 county board, the clerk shall present in lieu thereof a
22 certificate equal in amount to that presented for the preceding
23 year.

24 In every such county the certificate shall be filed in the
25 office of the county clerk and by that official presented to
26 the county board at the regular September meeting for the

1 consideration of the board. The amount so certified if approved
2 by the county board, or the part thereof as the county board
3 does approve, shall be extended by the county clerk as road
4 taxes against the taxable property of the district.

5 (c) The highway commissioner in each road district in each
6 county having adopted township organization shall in
7 accordance with the Illinois Municipal Budget Law at least 30
8 days prior to the public meeting required by this paragraph,
9 each year prepare or cause to be prepared a tentative budget
10 and appropriation ordinance and file the same with the clerk of
11 the township or consolidated township road district, as the
12 case may be, who shall make the tentative budget and
13 appropriation ordinance conveniently available to the public
14 inspection for at least 30 days prior to final action. One
15 public hearing shall be held. This public hearing shall be held
16 on or before the last day of the first quarter of the fiscal
17 year before the township board of trustees or the highway board
18 of trustees, as the case may be. Notice of the hearing shall be
19 given by publication in a newspaper published in the road
20 district at least 30 days prior to the time of the hearing. If
21 there is no newspaper published in the road district, notice of
22 the public hearing shall be given by posting notices in 5 of
23 the most public places in the district. It shall be the duty of
24 the clerk of the road district to arrange for the public
25 hearing. The township board of trustees or highway board of
26 trustees, as the case may be, at the public hearing shall adopt

1 the tentative budget and appropriation ordinance, or any part
2 as the board of trustees deem necessary.

3 On or before the last Tuesday in December the township
4 board of trustees or highway board of trustees or road district
5 commissioner, as the case may be, shall levy and certify to the
6 county clerk the amount necessary to be raised by taxation for
7 road purposes and the road district commissioner shall levy and
8 certify to the county clerk the amount necessary to be raised
9 by taxation for the salaries of elected road district officials
10 in the road district, as determined by the highway
11 commissioner.

12 The amount so certified shall be extended by the county
13 clerk as road taxes against the taxable property of the
14 district.

15 On or after October 10, 1991, a road district commissioner
16 whose district is located in a county not under township
17 organization may not levy separately a tax for salaries of
18 elected road district officials unless the tax has been first
19 approved by a majority of the electors voting on the question
20 at a referendum conducted in accordance with the general
21 election law. The question submitted to the electors at the
22 referendum shall be in substantially the following form: "Shall
23 the road district commissioner be authorized to levy an annual
24 tax for the salaries of elected road district officials under
25 Section 6-501 of the Illinois Highway Code?"

26 Except as is otherwise permitted by this Code and when the

1 road district commissioner establishes the tax rate for the
2 salaries of elected road district officials, the county clerk
3 shall not extend taxes for road purposes against the taxable
4 property in any road district at rates in excess of the
5 following:

6 (1) in a road district comprised of a single township
7 in a county having township organization, at a rate in
8 excess of .125% of the value, as equalized or assessed by
9 the Department of Revenue; unless before the last Tuesday
10 in December annually the highway commissioner of the
11 township road district shall have secured the consent in
12 writing of a majority of the members of the township board
13 of trustees to the extension of a greater rate, in which
14 case the rate shall not exceed that approved by a majority
15 of the members of the township board of trustees, but in no
16 case shall it exceed .165% of the value, as equalized or
17 assessed by the Department. Once approved by the township
18 board of trustees, the rate shall remain in effect until
19 changed by the township board of trustees;

20 (2) in a consolidated township road district, at a rate
21 in excess of .175% of the value, as equalized or assessed
22 by the Department of Revenue;

23 (3) in a road district in a county not having township
24 organization, at a rate in excess of .165% of the value, as
25 equalized or assessed by the Department of Revenue.

26 However, road districts that have higher tax rate

1 limitations on a permanent basis for road purposes on July 1,
2 1967, than the limitations herein provided, may continue to
3 levy the road taxes at the higher limitations, and the county
4 clerk shall extend the taxes at not to exceed the higher
5 limitations.

6 If the amount of taxes levied by the township board of
7 trustees or the highway board of trustees or approved by the
8 county board in any case is in excess of the amount that may be
9 extended the county clerk shall reduce the amount so that the
10 rate extended shall be no greater than authorized by law.
11 However, the tax shall not be reduced or scaled in any manner
12 whatever by reason of the levy and extension by the county
13 clerk of any tax to pay the principal or interest, or both, of
14 any bonds issued by a road district.

15 The taxes, when collected, shall be held by the treasurer
16 of the district as the regular road fund of the district.

17 Notwithstanding any other provision of law, for a period of
18 time ending 18 years after the effective date of this
19 amendatory Act of 1994, a road district or consolidated road
20 district may accumulate up to 50% of the taxes collected from a
21 subdivision under this Section for improvements of
22 nondedicated roads within the subdivision from which and for
23 which the taxes were collected. These nondedicated roads will
24 become a part of the township and district road system if the
25 roads meet the criteria established by the counties in which
26 the roads are located. The total accumulations under this

1 provision may not exceed 10% of the total funds held by the
2 district for road purposes. This provision applies only to
3 townships within counties adjacent to a county with a
4 population of 3,000,000 or more and only with respect to
5 subdivisions whose plats were filed or recorded before July 23,
6 1959.

7 Notwithstanding any other provision of law, for a period of
8 time ending 10 years after the effective date of this
9 amendatory Act of the 98th General Assembly, a road district or
10 consolidated road district may accumulate up to 50% of the
11 taxes collected from a subdivision under this Section for
12 improvements of nondedicated roads within the subdivision from
13 which and for which the taxes were collected. These
14 nondedicated roads will become a part of the township and
15 district road system if the roads meet the criteria established
16 by the counties in which the roads are located. The total
17 accumulations under this provision may not exceed 10% of the
18 total funds held by the district for road purposes. This
19 provision applies only to townships within counties adjacent to
20 a county with a population of 3,000,000 or more and only with
21 respect to subdivisions whose plats were filed or recorded
22 before July 23, 1959.

23 Any road district may accumulate funds for the purpose of
24 acquiring, constructing, repairing and improving buildings and
25 procuring land in relation to the building and for the purpose
26 of procuring road maintenance apparatus and equipment, and for

1 the construction of roads, and may annually levy taxes for the
 2 purposes in excess of its current requirements for other
 3 purposes, subject to the tax rate limitations provided in this
 4 Section, provided a proposition to accumulate funds for the
 5 purposes is first submitted to and approved by the electors of
 6 the district. The proposition shall be certified to the proper
 7 election officials by the district clerk upon the direction of
 8 the highway commissioner, and the election officials shall
 9 submit the proposition at a regular election. Notice and
 10 conduct of the referendum shall be in accordance with the
 11 general election law. The proposition shall be in substantially
 12 the following form:

13 -----
 14 Shall road district
 15 accumulate funds in the amount
 16 of \$..... for years YES
 17 for the purpose of acquiring,
 18 constructing, repairing and improving -----
 19 buildings and procuring land
 20 therefor, and for procuring road NO
 21 maintenance apparatus and equipment
 22 and for the construction of roads?

23 -----
 24 If a majority of the electors voting on the proposition
 25 vote in favor of it, the road district may use a portion of the
 26 funds levied, subject to the tax rate limitations provided in

1 this Section, for the purposes for which accumulation was
2 authorized. It shall not be a valid objection to any subsequent
3 tax levy made under this Section, that there remains unexpended
4 money arising from the levy of a prior year because of an
5 accumulation permitted by this Section and provided for in the
6 budget for that prior year.

7 (d) Any road district may accumulate moneys in a dedicated
8 fund for a specific capital construction or maintenance project
9 or a major equipment purchase without submitting a proposition
10 to the electors of the district if the annual budget and
11 appropriation ordinance for the road district states the
12 amount, purpose, and duration of any accumulation of funds
13 authorized under this Section, with specific reference to each
14 project to be constructed or equipment to be purchased. Nothing
15 in this subsection precludes a road district from accumulating
16 moneys for non-specific purposes as provided in this Section.

17 (Source: P.A. 92-395, eff. 8-16-01; 92-656, eff. 7-16-02.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.