

1 AN ACT concerning townships.

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

4 Section 5. The Township Code is amended by changing  
5 Section 235-5 as follows:

6 (60 ILCS 1/235-5)

7 Sec. 235-5. Township taxes for various purposes. The  
8 township board may raise money, by taxation not exceeding the  
9 rates established in Section 235-10, for the following  
10 purposes:

11 (1) Prosecuting or defending suits by or against  
12 the township or in which the township is interested.

13 (2) Maintaining cemeteries under the control,  
14 management, and ownership of the township and  
15 controlling, managing, and maintaining public cemeteries  
16 not operated for profit, notwithstanding the provisions  
17 of Section 1c of the Public Graveyards Act.

18 (3) Maintaining and operating a public nonsectarian  
19 hospital under Article 175. This authorization does not  
20 apply to any township that avails itself of the  
21 provisions of Article 170.

22 (4) Maintaining and operating a township committee  
23 on youth under Section 215-5.

24 (5) Providing mental health services under Section  
25 190-10.

26 (6) Providing services in cooperation with another  
27 governmental entity, not-for-profit corporation, or  
28 nonprofit community service association under Section  
29 85-13.

30 (7) Maintaining and operating a township committee  
31 for senior citizens' services under Section 220-10.

1           (8) Maintaining and operating a township health  
 2 service that may provide, but is not required to provide  
 3 or limited to providing, examination, diagnosis, testing,  
 4 and inoculation and all necessary and appurtenant  
 5 personnel, equipment, and insurance.

6           (9) Accumulating moneys in a dedicated fund for a  
 7 specific capital construction or maintenance project or a  
 8 major equipment purchase. The annual budget and  
 9 appropriation ordinance for the township shall state the  
 10 amount, purpose, and duration of any accumulation of  
 11 funds authorized under this Section, with specific  
 12 reference to each project to be constructed or equipment  
 13 to be purchased. Nothing in this item precludes a  
 14 township from accumulating moneys as provided in Section  
 15 6-501 of the Illinois Highway Code.

16           (10) ~~(9)~~ Any other purpose authorized by law.

17 (Source: P.A. 91-357, eff. 7-29-99.)

18           Section 10. The Illinois Highway Code is amended by  
 19 changing Section 6-501 as follows:

20           (605 ILCS 5/6-501) (from Ch. 121, par. 6-501)

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

23           (1) That the financial conditions of the Township  
 24 and District road systems of the State of Illinois have  
 25 suffered adversely as a result of changes in law  
 26 concerning assessed valuation of property for tax  
 27 purposes. That as a result of the changes beginning in  
 28 1945, the rates of permissible levy were first halved to  
 29 accommodate full fair value, but never restored when  
 30 subsequent law change established the legal assessed  
 31 valuation at 50% of fair market value as equalized by the  
 32 Department of Revenue.

1           (2) Townships and district road systems, as a  
2 result of the decreased financial support, have suffered  
3 a decline in ability to maintain or improve roads and  
4 bridges in a safe condition to permit the normal and  
5 ordinary use of its highway system. In many instances  
6 bridges have been closed and detours required because of  
7 impossible road conditions resulting in hardships for  
8 school districts in transporting pupils and for farms in  
9 moving products to market.

10           (3) Further, cost for maintenance and improvements  
11 have risen faster than the valuations of property, the  
12 base of financial support.

13           (4) To solve these problems, this Act makes changes  
14 in rates of taxation -- returning Townships and District  
15 road systems to their approximate financial viability  
16 prior to 1945.

17           (b) The highway commissioner for each road district in  
18 each county not under township organization shall on or  
19 before the third Tuesday in December of each year determine  
20 and certify to the county board the amount necessary to be  
21 raised by taxation for road purposes and for the salaries of  
22 elected road district officials in the road district.

23           Should any highway commissioner during the last year of  
24 his term of office for any reason not file the certificate in  
25 the office of the county clerk, as required by this Section,  
26 in time for presentation to the regular September meeting of  
27 the county board, the clerk shall present in lieu thereof a  
28 certificate equal in amount to that presented for the  
29 preceding year.

30           In every such county the certificate shall be filed in  
31 the office of the county clerk and by that official presented  
32 to the county board at the regular September meeting for the  
33 consideration of the board. The amount so certified if  
34 approved by the county board, or the part thereof as the

1 county board does approve, shall be extended by the county  
2 clerk as road taxes against the taxable property of the  
3 district.

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

29 On or before the last Tuesday in December the township  
30 board of trustees or highway board of trustees or road  
31 district commissioner, as the case may be, shall levy and  
32 certify to the county clerk the amount necessary to be raised  
33 by taxation for road purposes and the road district  
34 commissioner shall levy and certify to the county clerk the

1 amount necessary to be raised by taxation for the salaries of  
2 elected road district officials in the road district, as  
3 determined by the highway commissioner.

4 The amount so certified shall be extended by the county  
5 clerk as road taxes against the taxable property of the  
6 district.

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

19 Except as is otherwise permitted by this Code and when  
20 the road district commissioner establishes the tax rate for  
21 the salaries of elected road district officials, the county  
22 clerk shall not extend taxes for road purposes against the  
23 taxable property in any road district at rates in excess of  
24 the following:

25 (1) in a road district comprised of a single  
26 township in a county having township organization, at a  
27 rate in excess of .125% of the value, as equalized or  
28 assessed by the Department of Revenue; unless before the  
29 last Tuesday in December annually the highway  
30 commissioner of the township road district shall have  
31 secured the consent in writing of a majority of the  
32 members of the township board of trustees to the  
33 extension of a greater rate, in which case the rate shall  
34 not exceed that approved by a majority of the members of

1 the township board of trustees, but in no case shall it  
2 exceed .165% of the value, as equalized or assessed by  
3 the Department. Once approved by the township board of  
4 trustees, the rate shall remain in effect until changed  
5 by the township board of trustees;

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

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

13 However, road districts that have higher tax rate  
14 limitations on a permanent basis for road purposes on July 1,  
15 1967, than the limitations herein provided, may continue to  
16 levy the road taxes at the higher limitations, and the county  
17 clerk shall extend the taxes at not to exceed the higher  
18 limitations.

19 If the amount of taxes levied by the township board of  
20 trustees or the highway board of trustees or approved by the  
21 county board in any case is in excess of the amount that may  
22 be extended the county clerk shall reduce the amount so that  
23 the rate extended shall be no greater than authorized by law.  
24 However, the tax shall not be reduced or scaled in any manner  
25 whatever by reason of the levy and extension by the county  
26 clerk of any tax to pay the principal or interest, or both,  
27 of any bonds issued by a road district.

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

30 Notwithstanding any other provision of law, for a period  
31 of time ending 18 years after the effective date of this  
32 amendatory Act of 1994, a road district or consolidated road  
33 district may accumulate up to 50% of the taxes collected from  
34 a subdivision under this Section for improvements of

1 nondedicated roads within the subdivision from which and for  
 2 which the taxes were collected. These nondedicated roads  
 3 will become a part of the township and district road system  
 4 if the roads meet the criteria established by the counties in  
 5 which the roads are located. The total accumulations under  
 6 this provision may not exceed 10% of the total funds held by  
 7 the district for road purposes. This provision applies only  
 8 to townships within counties adjacent to a county with a  
 9 population of 3,000,000 or more and only with respect to  
 10 subdivisions whose plats were filed or recorded before July  
 11 23, 1959.

12 Any road district may accumulate funds for the purpose of  
 13 acquiring, constructing, repairing and improving buildings  
 14 and procuring land in relation to the building and for the  
 15 purpose of procuring road maintenance apparatus and  
 16 equipment, and for the construction of roads, and may  
 17 annually levy taxes for the purposes in excess of its current  
 18 requirements for other purposes, subject to the tax rate  
 19 limitations provided in this Section, provided a proposition  
 20 to accumulate funds for the purposes is first submitted to  
 21 and approved by the electors of the district. The  
 22 proposition shall be certified to the proper election  
 23 officials by the district clerk upon the direction of the  
 24 highway commissioner, and the election officials shall submit  
 25 the proposition at a regular election. Notice and conduct of  
 26 the referendum shall be in accordance with the general  
 27 election law. The proposition shall be in substantially the  
 28 following form:

29 -----  
 30 Shall ..... road district  
 31 accumulate funds in the amount  
 32 of \$..... for ..... years YES  
 33 for the purpose of acquiring,  
 34 constructing, repairing and improving -----

1 buildings and procuring land  
 2 therefor, and for procuring road NO  
 3 maintenance apparatus and equipment  
 4 and for the construction of roads?

5 -----

6 If a majority of the electors voting on the proposition  
 7 vote in favor of it, the road district may use a portion of  
 8 the funds levied, subject to the tax rate limitations  
 9 provided in this Section, for the purposes for which  
 10 accumulation was authorized. It shall not be a valid  
 11 objection to any subsequent tax levy made under this Section,  
 12 that there remains unexpended money arising from the levy of  
 13 a prior year because of an accumulation permitted by this  
 14 Section and provided for in the budget for that prior year.

15 (d) Any road district may accumulate moneys in a  
 16 dedicated fund for a specific capital construction or  
 17 maintenance project or a major equipment purchase without  
 18 submitting a proposition to the electors of the district if  
 19 the annual budget and appropriation ordinance for the road  
 20 district states the amount, purpose, and duration of any  
 21 accumulation of funds authorized under this Section, with  
 22 specific reference to each project to be constructed or  
 23 equipment to be purchased. Nothing in this subsection  
 24 precludes a road district from accumulating moneys for  
 25 non-specific purposes as provided in this Section.

26 (Source: P.A. 92-395, eff. 8-16-01.)

27 Section 99. Effective date. This Act takes effect upon  
 28 becoming law.