

1 AN ACT concerning highways.

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  
5 changing 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  
8 Assembly finds:

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

19 (2) Townships and district road systems, as a  
20 result of the decreased financial support, have suffered  
21 a decline in ability to maintain or improve roads and  
22 bridges in a safe condition to permit the normal and  
23 ordinary use of its highway system. In many instances  
24 bridges have been closed and detours required because of  
25 impossible road conditions resulting in hardships for  
26 school districts in transporting pupils and for farms in  
27 moving products to market.

28 (3) Further, cost for maintenance and improvements  
29 have risen faster than the valuations of property, the  
30 base of financial support.

31 (4) To solve these problems, this Act makes changes

1 in rates of taxation -- returning Townships and District  
2 road systems to their approximate financial viability  
3 prior to 1945.

4 (b) The highway commissioner for each road district in  
5 each county not under township organization shall on or  
6 before the third Tuesday in December of each year determine  
7 and certify to the county board the amount necessary to be  
8 raised by taxation for road purposes and for the salaries of  
9 elected road district officials in the road district.

10 Should any highway commissioner during the last year of  
11 his term of office for any reason not file the certificate in  
12 the office of the county clerk, as required by this Section,  
13 in time for presentation to the regular September meeting of  
14 the county board, the clerk shall present in lieu thereof a  
15 certificate equal in amount to that presented for the  
16 preceding year.

17 In every such county the certificate shall be filed in  
18 the office of the county clerk and by that official presented  
19 to the county board at the regular September meeting for the  
20 consideration of the board. The amount so certified if  
21 approved by the county board, or the part thereof as the  
22 county board does approve, shall be extended by the county  
23 clerk as road taxes against the taxable property of the  
24 district.

25 (c) The highway commissioner in each road district in  
26 each county having adopted township organization shall in  
27 accordance with the Illinois Municipal Budget Law at least 30  
28 days prior to the public meeting required by this paragraph,  
29 each year prepare or cause to be prepared a tentative budget  
30 and appropriation ordinance and file the same with the clerk  
31 of the township or consolidated township road district, as  
32 the case may be, who shall make the tentative budget and  
33 appropriation ordinance conveniently available to the public  
34 inspection for at least 30 days prior to final action. One

1 public hearing shall be held. This public hearing shall be  
2 held on or before the last day of the first quarter of the  
3 fiscal year before the township board of trustees or the  
4 highway board of trustees, as the case may be. Notice of the  
5 hearing shall be given by publication in a newspaper  
6 published in the road district at least 30 days prior to the  
7 time of the hearing. If there is no newspaper published in  
8 the road district, notice of the public hearing shall be  
9 given by posting notices in 5 of the most public places in  
10 the district. It shall be the duty of the clerk of the road  
11 district to arrange for the public hearing. The township  
12 board of trustees or highway board of trustees, as the case  
13 may be, at the public hearing shall adopt the tentative  
14 budget and appropriation ordinance, or any part as the board  
15 of trustees deem necessary.

16 On or before the last Tuesday in December the township  
17 board of trustees or highway board of trustees or road  
18 district commissioner, as the case may be, shall levy and  
19 certify to the county clerk the amount necessary to be raised  
20 by taxation for road purposes and the road district  
21 commissioner shall levy and certify to the county clerk the  
22 amount necessary to be raised by taxation for the salaries of  
23 elected road district officials in the road district, as  
24 determined by the highway commissioner.

25 The amount so certified shall be extended by the county  
26 clerk as road taxes against the taxable property of the  
27 district.

28 On or after October 10, 1991, a road district  
29 commissioner whose district is located in a county not under  
30 township organization may not levy separately a tax for  
31 salaries of elected road district officials unless the tax  
32 has been first approved by a majority of the electors voting  
33 on the question at a referendum conducted in accordance with  
34 the general election law. The question submitted to the

1 electors at the referendum shall be in substantially the  
2 following form: "Shall the road district commissioner be  
3 authorized to levy an annual tax for the salaries of elected  
4 road district officials under Section 6-501 of the Illinois  
5 Highway Code?"

6 Except as is otherwise permitted by this Code and when  
7 the road district commissioner establishes the tax rate for  
8 the salaries of elected road district officials, the county  
9 clerk shall not extend taxes for road purposes against the  
10 taxable property in any road district at rates in excess of  
11 the following:

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

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

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

34 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  
9 be extended the county clerk shall reduce the amount so that  
10 the 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,  
14 of 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  
18 of time ending 10 8 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  
21 a 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  
24 will become a part of the township and district road system  
25 if the roads meet the criteria established by the counties in  
26 which the roads are located. The total accumulations under  
27 this provision may not exceed 50% ~~10%~~ of the total funds held  
28 by the district for road purposes. This provision applies  
29 only to townships within counties adjacent to a county with a  
30 population of 3,000,000 or more and only with respect to  
31 subdivisions whose plats were filed or recorded before July  
32 23, 1959.

33 Any road district may accumulate funds for the purpose of  
34 acquiring, constructing, repairing and improving buildings

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

16 -----  
 17 Shall..... road district  
 18 accumulate funds in the amount  
 19 of \$..... for.....years YES  
 20 for the purpose of acquiring,  
 21 constructing, repairing and improving -----  
 22 buildings and procuring land  
 23 therefor, and for procuring road NO  
 24 maintenance apparatus and equipment  
 25 and for the construction of roads?  
 26 -----

27 If a majority of the electors voting on the proposition  
 28 vote in favor of it, the road district may use a portion of  
 29 the funds levied, subject to the tax rate limitations  
 30 provided in this Section, for the purposes for which  
 31 accumulation was authorized. It shall not be a valid  
 32 objection to any subsequent tax levy made under this Section,  
 33 that there remains unexpended money arising from the levy of  
 34 a prior year because of an accumulation permitted by this

1 Section and provided for in the budget for that prior year.  
2 (Source: P.A. 87-17; 87-738; 87-768; 87-895; 87-1189; 88-360;  
3 88-673, eff. 7-1-95.)

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