

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 18 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 10% of the total funds held by
 28 the district for road purposes. This provision applies only
 29 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.