

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 Special Assessment Supplemental Bond and
5 Procedures Act is amended by changing Sections 20, 35, 45,
6 55, and adding Section 65 as follows:

7 (50 ILCS 460/20)

8 Sec. 20. Additional costs allowed. In addition to and in
9 excess of all costs otherwise permitted to be assessed under
10 any special assessment law in any special assessment
11 proceeding, the governing body may in the special assessment
12 ordinance provide for the following additional amounts in the
13 assessment:

14 (a) an additional reserve, not to exceed 10% of the
15 amount of the bonds issued pursuant to this Act, as a
16 reserve for the payment of interest on or principal of
17 bonds when due in the event of nonpayment of any
18 assessments; provided however, the interest earnings, if
19 any, on the additional reserve shall be applied to the
20 next installment as a partial reduction of payment due;

21 (b) an amount for the payment of interest upon
22 bonds for a period not to exceed the greater of 2 years
23 or a period ending 6 months after the estimated date of
24 completion of the acquisition and construction of the
25 local improvement that is the subject of the special
26 assessment proceeding; and

27 (c) an amount for bond discount (the difference
28 between the face amount of a bond and the price at which
29 the bond is to be sold, exclusive of original issue
30 discount) not to exceed 4% of the total cost of the
31 improvement. The reserve provided for by clause (a) of

1 this Section shall be in addition to and in excess of any
 2 other reserve otherwise permitted by special assessment
 3 law including reserves for interest deficiencies. Any
 4 additional cost or reserve to be included by authority of
 5 this Section shall be expressly provided for in the
 6 special assessment ordinance and shall further be
 7 expressly stated in any engineer's estimate of cost
 8 prepared in connection with a special assessment
 9 ordinance as provided by a special assessment law.

10 (Source: P.A. 90-480, eff. 8-17-97.)

11 (50 ILCS 460/35)

12 Sec. 35. Notice of first installment and accrual of
 13 interest. In lieu of the establishment of the date of the
 14 first installment of a special assessment and the accrual of
 15 interest on assessments by the issuance of a first voucher
 16 and the filing of a certificate with the clerk of court or
 17 other act as may be provided by a special assessment law,
 18 either the governing body or the board of local improvements
 19 may, at any time, after the judicial order of final
 20 confirmation of the assessment roll and report, file with the
 21 clerk of court in which the assessment was confirmed a notice
 22 of the due date of the first installment and the date from
 23 which interest shall accrue on the assessments. The notice
 24 shall state the due date of the first installment, which
 25 shall be not earlier than January 2 of the following year or
 26 such later year as shall have been determined under Section
 27 70 of this Act, and also the date upon which interest shall
 28 begin to accrue on the assessments,~~7-which-date-shall-be-not~~
 29 ~~earlier-than-60-days-after-the-date-the-notice--provided--for~~
 30 ~~in--this--Section--shall--have--been--filed-with-the-clerk-of~~
 31 ~~court.~~ In connection with the application of any special
 32 assessment law, the notice shall be treated upon its filing
 33 as if the notice were a certificate of first voucher or other

1 act as may be provided by a special assessment law, and all
 2 procedures related to the filing of a certificate of first
 3 voucher or such other act shall be deemed to have been
 4 appropriately followed, subject only to the modifications to
 5 such procedures provided for in this Act.

6 (Source: P.A. 90-480, eff. 8-17-97.)

7 (50 ILCS 460/45)

8 Sec. 45. Bonds. In lieu of the issuance of vouchers or
 9 bonds provided by a special assessment law, Supplemental Act
 10 Assessment Bonds payable from the assessments made under a
 11 special assessment proceeding may be issued under this
 12 Section. Supplemental Act Assessment Bonds shall be issued
 13 under the following terms and provisions:

14 (a) They shall be payable from the assessments made
 15 under a special assessment proceeding and such other income
 16 or revenues as may lawfully be pledged to the payment of such
 17 bonds by a governmental unit.

18 (b) They may be issued in lieu of vouchers at any time
 19 after the date of the judicial order of final confirmation of
 20 the assessment roll and report. Special Assessment Bonds may
 21 be issued prior to the expiration of the appeal period
 22 provided for in the special assessment law and the issuer and
 23 owners of such bonds may rely on any waiver of the statutory
 24 appeal period executed by a municipality, county, or other
 25 issuer of those bonds and the owners and parties interested
 26 in land taken, damaged, or assessed therein, as conclusive
 27 evidence of the non-appealability of the final judgment or
 28 order. Parties interested in land taken, damaged, or assessed
 29 for purposes of the waiver and appeal shall include only the
 30 owners of record and contract purchasers of any land taken,
 31 damaged, or assessed ~~on--or--after--the--time--when--interest~~
 32 ~~begins--to--run--on--the--assessments--made--under--a--special~~
 33 ~~assessment-proceeding.~~

1 (c) They may be issued in an amount not to exceed the
2 amount of the assessments confirmed in a special assessment
3 proceeding less the principal amount of any assessments
4 previously paid and less the principal amount of any vouchers
5 that may have previously been issued.

6 (d) They may bear interest at any rate or rates not to
7 exceed the rate or rates permitted by the Bond Authorization
8 Act; provided, however, that such rate or rates shall not
9 exceed the rate or rates provided for the unpaid installments
10 of the assessments made under the special assessment
11 proceeding.

12 (e) They may pay interest upon such date or dates either
13 annually, semi-annually, monthly, weekly, or otherwise.

14 (f) They may be subject to redemption with or without
15 premium upon such terms and provisions as may be provided by
16 the governing body, including, without limitation, terms as
17 to the order of redemption (numerical, pro-rata, by series,
18 or otherwise) and as to the timing thereof.

19 (g) They shall be negotiable instruments under Illinois
20 law.

21 (h) They may be made payable either serially or at term,
22 or any combination thereof, in such order of preference,
23 priority, lien position, or rank (including, without
24 limitation, numerical, pro-rata, by series, or otherwise) and
25 otherwise have any attributes permitted to bonds under the
26 Local Government Debt Reform Act, as the governing body may
27 provide.

28 (Source: P.A. 90-480, eff. 8-17-97.)

29 (50 ILCS 460/55)

30 Sec. 55. County clerk may collect. Pursuant to the
31 Illinois constitutional and statutory provisions relating to
32 intergovernmental cooperation, the county clerk of any county
33 in which property subject to a special assessment is located

1 may, but shall not be required to, agree to mail bills for a
 2 special assessment with the regular tax bills of the county,
 3 or otherwise as may be provided by a special assessment law.
 4 If the clerk agrees or the governing body elects to mail the
 5 assessment bill in semi-annual installments in conjunction
 6 with regular tax bills or at such other times as they so
 7 elect, the assessment bill shall be due no sooner than the
 8 annual amount that would have been due as of January 2, thus
 9 deferring to a to-mail-such-bills-with-the-regular-tax-bills,
 10 then--the--annual-amount-due-as-of-January-2-shall-become-due
 11 instead-in-even-installments-with-each-tax-bill--made--during
 12 the--year-in-which-such-January-2-date-occurs,-thus-deferring
 13 to later date in the year of the obligation to pay the
 14 assessment assessments.

15 (Source: P.A. 90-480, eff. 8-17-97.)

16 (50 ILCS 460/65 new)

17 Sec. 65. Rebates. If, after final settlement with the
 18 contractor for any improvements, there is any surplus
 19 remaining, the governing body shall declare a surplus and
 20 rebate upon each lot, block, tract, or parcel of land
 21 assessed the pro rata portion of that surplus. The governing
 22 body shall state which assessments (including interest
 23 thereon) are being reduced. If the governing body determines
 24 these excess amounts have been collected for making and
 25 collecting or for reserves for deficiencies, the governing
 26 body can declare a surplus and credit that amount to each
 27 lot, block, tract, or parcel of land assessed or a pro rata
 28 proportion to the next installment as a partial reduction of
 29 the payment due or alternatively may use the surplus to
 30 retire bonds in any manner so determined.

31 Section 99. Effective date. This Act takes effect upon
 32 becoming law.